

THE HOMELAND SECURITY *NEWS CLIPS*

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TO: THE SECRETARY AND SENIOR STAFF
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LEADING DHS NEWS

Wave Of Minors On Their Own Rush To Cross Southwest Border

By Frances Robles

[New York Times](#), June 4, 2014

SAN PEDRO SULA, Honduras — After a decade apart, 13-year-old Robin Tulio was finally heading to the border to be with his mother. A maid, living illegally in Baltimore, she had decided the time was right to smuggle her son into the United States.

Like so many others across Central America, Robin said his mother believed that the Obama administration had quietly changed its policy regarding unaccompanied minors and that if he made it across, he would have a better shot at staying.

She hired a smuggler, but Robin didn't make it.

"It's too hard," he said after being caught in Mexico recently and sent home to Honduras. But his aborted journey helps explain why there has been a rush of migration of unaccompanied minors so severe that the United Nations declared it a humanitarian crisis akin to refugees' fleeing war.

Since Oct. 1, a record 47,017 unaccompanied children have been apprehended at the southwest United States border, most traveling from Central America, part of a larger wave that includes some youngsters accompanied by their parents and some traveling alone.

Many say they are going because they believe that the United States treats migrant children traveling alone and women with their children more leniently than adult illegal immigrants with no children.

The Obama administration says the primary cause of the influx of children is rising crime and ailing economies in Central America, not policy changes in the United States.

To deal with the surge, the administration on Monday used a California naval base to house recently apprehended minors and ordered the federal emergency administrator to develop a plan of action.

"We have heard sort of rumors and reports, or suggestions, that the increase may be in response to the perception that children would be allowed to stay or that

immigration reform would in some way benefit these children," said Cecilia Muñoz, the director of the White House Domestic Policy Council, in a conference call with reporters on Monday. "It seems to be quite clear that what is driving this is what's happening in their home countries."

Officials said that recently arrived children would not benefit from the immigration bill passed by the Senate last year or from Deferred Action for Childhood Arrivals, a program that lets minors who meet certain criteria avoid deportation.

But even as the government moves to confront the situation, children, parents, immigration officials, lawyers and activists interviewed say that there has been a subtle shift in the way the United States treats minors.

That perception has inspired parents who have not seen their children for years to hire so-called coyotes, guides often associated with organized crime, to bring them north. It has prompted other parents to make the trip with toddlers in tow, something rarely seen before in the region.

"If you make it, they take you to a shelter and take care of you and let you have permission to stay," Robin said after he stepped off a bus on a Thursday night with eight others caught on their way north. "When you appeal your case, if you say you want to study, they support you."

In San Pedro Sula, in northern Honduras, a group of women and their children were huddled in a bus terminal earlier in the week, ready to begin a multiweek journey to Mexico and beyond.

"The passage is easier with the kids, and this way we're not dumping them with relatives," said Arelys Sánchez, who was traveling with two young daughters. "I think with them, it's easier for them to let you stay."

While the Obama administration has moved aggressively to deport adults, it has in fact expelled far fewer children than in the past. Largely because of a 2008 federal law aimed at protecting trafficked children, the administration in 2013 deported one-fifth the number of Central American children as were expelled in 2008, according to federal government statistics.

Ana Solorzano, an immigration official who tends to deportees in El Salvador, said that as the number of deportees flown by air to El Salvador from the United States

started to drop, the number of people returned by land from Mexico started to rise. Of the 325 Salvadoran children who were deported last year, only 22 came from the United States, she said.

"They have not publicly recognized a change in public policy, but we see it," Ms. Solorzano said.

Central Americans, she said, were left with the sense that the United States had "opened its doors" to women and children.

As more of those children were released from federal shelters and the number placed with parents or in foster care soared, other parents noticed. Those parents were encouraged by the opportunities children were being given to fight their cases in court — even if they were ultimately unlikely to succeed.

"It's a massive Catch-22," said Wendy Young, president of Kids in Need of Defense, an organization that matches unaccompanied minors with volunteer lawyers. "The problem here is that the system is broken. It's going to implode."

One federal judge slammed the Department of Homeland Security for "completing a criminal conspiracy" by placing a recently smuggled child with the undocumented immigrant parent who had hired the smugglers.

Experts say it is the dual dynamics of crime at home and perceived leniency across the border that have inspired many in Central America to risk the trip.

The United Nations has consistently listed Honduras, for example, as the country with the highest murder rate in the world. Its latest report said Honduras had 90.4 killings per 100,000 residents, nearly three times the rate a decade ago. In El Salvador, that number is 41.

Elizabeth Kennedy, a Fulbright scholar who is studying Salvadoran youth migration, said 60 percent of the 326 students she had interviewed cited gangs and crime as the reason they were leaving.

"A large number are forcibly recruited by gangs," Ms. Kennedy said. "Most kids lived in areas that are controlled by one or both of the gangs."

In Honduras, the authorities are receiving more buses filled with a larger number of juvenile deportees, and they are increasingly younger and often girls.

As gang violence here worsens and word gets out that the children who made it to the other side were reunited with long-lost parents with the blessing of United States immigration authorities, more and more youngsters are making the treacherous journey.

Maynor Dubón, 17, tried to cross the border last year. But he, too, was caught and wound up at Casa Alianza, a children's shelter in Tegucigalpa, the Honduran capital, for a year.

"You really don't know what moment you're going to be killed," he said of life in Honduras. "The gangs say things like, 'You work for me now.' They asked me to join, and I said, 'Let

me think about it for a few days,' so I left. It's like being in hell."

A member of his immediate family was murdered at the family's front door this year, so he is using the barber skills he learned at Casa Alianza to save money to try again. He must leave, he said, before he turns 18 in September.

Government officials say they are at a loss, because they cannot prohibit the children's departure, but they worry what such an exodus will mean for the nation's future.

"The governments have to do something; we can't continue like this. These children are our future," said Felipe Morales, executive director of the Honduran federal children's services agency. "This is a tragedy."

Child Migrants Driven To US By Violence, Poverty

By Christopher Sherman, Alicia A. Caldwell

[Associated Press](#), June 3, 2014

REYNOSA, Mexico — Before 14-year-old Brian Duran set out from central Honduras in mid-April, he heard that child migrants who turned themselves in to the U.S. Border Patrol were being cared for and not deported.

He knew that a couple of friends who left before he did had given themselves up after crossing and been reunited with family in the U.S. Sitting inside the walled compound of a migrant shelter in this Mexican border city across the Rio Grande from Texas, Brian wonders if that is still the case as he seeks a way to make his own crossing.

"I don't know what the environment is like now, if they (Border Patrol) are supporting or if they are returning the minors," he said Tuesday. He said he has an uncle in the U.S., but doesn't know where because he lost his number while journeying north.

Brian isn't alone in trying to get into the U.S. In the past eight months, 47,000 unaccompanied children have been apprehended along the border in the U.S. Southwest.

More than 11,000 of those were Mexican children, who are generally quickly sent back across the border. But nearly 35,000 were from the Central American countries of Honduras, Guatemala and El Salvador. By contrast, just 6,560 child migrants were put in U.S. shelters during all of 2011.

President Barack Obama called the surge a crisis Monday, saying the influx has overwhelmed the network of U.S. shelters for young migrants. He appointed the head of the Federal Emergency Management Agency, Craig Fugate, to lead the government's response. The Obama administration has asked Congress for \$1.4 billion in extra funding to help house, feed and transport child migrants and has turned to the Defense Department to temporarily house some of them.

Detained youngsters are transferred within 72 hours to the Department of Health and Human Services' Office of Refugee Resettlement to be housed in shelters until they can be reunited with parents or guardians. Officials then begin searching for relatives or other potential guardians in the U.S. The average stay for a child in a U.S. shelter was 45 days last year. Most are reunited with family to wait for their immigration cases to move forward.

A variety of reasons put young migrants on the path to the U.S.

"The children don't only travel because of poverty or reunification. In a recent study we have detected that another important theme is migration because of insecurity," said Julia Gonzalez, coordinator of the nonprofit National Bureau for Migration in Guatemala.

A study released in March by the United Nations High Commissioner for Refugees said about half of 400 kids interviewed reported they had experienced or been threatened with serious harm. About 300 of those interviewed were from El Salvador, Guatemala and Honduras — countries that accounted for about 90 percent of the children cared for by the Office of Refugee Resettlement last year.

Brian said he left Comayagua, Honduras, because "there is so much poverty there, the crime is tremendous. You've got to sort things out because if not, you'll starve to death."

He said his older brother got into trouble with gangs and drugs.

"I don't like that," Brian said. "I'm used to working, earning a living." He sold agoutis, medium-sized rodents, as pets to earn enough money to make his trip north. But he arrived in Reynosa penniless and now hopes his sister in the Mexican state of Jalisco can send him money to cross the border.

Honduras, Guatemala and El Salvador have rampant street gangs and a strong presence of organized crime and drug traffickers resulting in some of the highest homicide rates in the region and in the world. Honduras has the highest murder rate in the world, with 90.4 homicides per 100,000 inhabitants, according to the U.N. Office on Drugs and Crime.

Honduras' economic growth of 3 percent in 2013 was largely based on money sent home by migrants. Almost 60 percent of the country's 8 million people live in poverty, the World Bank says.

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California Navy Base Readies To House Migrant Kids

[Associated Press](#), June 4, 2014

PORT HUENEME, Calif. (AP) – Hundreds of migrant children will be sheltered at a naval facility in California amid a spike in the number of minors caught crossing the border alone, authorities said Tuesday.

A 42,000-square-foot building in Port Hueneme previously used to house naval reservists before they deployed to Iraq and Afghanistan will be used as a temporary shelter, said Vance Vasquez, a spokesman for Naval Base Ventura County.

The facility, which has bed space for 570 people, was remodeled in 2007 and is equipped with showers, bathrooms and recreation spaces for TV watching and games. It has been closed for more than a year, Vasquez said.

Federal officials say children could start arriving as soon as this week at the facility 60 miles west of Los Angeles.

The government is also housing migrant children at a military base in Texas. Officials estimate as many as 60,000 children, mostly from Central America, could be caught at the border this year, which would be a nearly 10-fold increase since 2011.

Rampant crime and poverty across Central America and a desire to reunite with parents or other relatives are thought to be driving many of the young migrants. While the children face deportation proceedings if they are caught in the U.S., many have been able to win permission from an immigration judge to stay.

Children will be flown to the Port Hueneme site from other shelters while being cleared for transfer to sponsors, said Laura Goulding, a spokeswoman for the Administration for Children and Families, a division of the Health and Human Services Department. They will receive English language instruction, arts and crafts activities, and recreation at the shelter, she said.

Goulding said most children are expected to remain at the base less than the average stay of 35 days.

It was not immediately clear what would happen to the children's deportation cases once they are transferred to Port Hueneme. A message was left for the Executive Office for Immigration Review.

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Texas Air Base Houses Minors Crossing Solo Into U.S.

By Eileen Pace

[NPR](#), June 4, 2014

STEVE INSKEEP, HOST:

It's MORNING EDITION from NPR News. I'm Steve Inskeep.

DAVID GREENE, HOST:

And I'm David Greene. Good morning. The number of children crossing the U.S. border on their own is soaring. Just since October, the U.S. found some 80,000 unaccompanied minors crossing over from Mexico. Those are just the kids who were caught.

INSKEEP: Travel to the U.S.-Mexico border and you see signs of children who've crossed. As we reported for the NPR series Borderland, we stopped at a border wall near the Rio Grande. A Texas resident showed us items on the ground like toothbrushes and toys.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED MAN: Yeah, that would indicate that somebody had to empty their pockets before being loaded up into a van and taken off to a detention center somewhere.

INSKEEP: What is this?

MAN: Looks like somebody's shirt.

INSKEEP: Lovely shade of blue. Oh, it's a small child's shirt.

The shirt was torn, maybe my 4-year-old could have worn it.

That was earlier this year. Now just after that discovery, border patrol agents emerged from the woods having arrested a group of people, including many children.

GREENE: This morning we will track where some of the kids crossing the border go next. Reporter Eileen Pace went to a children's facility in San Antonio.

BETH GREEN: Hola, Como estas?

EILEEN PACE, BYLINE: A loosely organized line of 10 to 15 boys is accompanied by two adults whose hands some of the boys reach out to hold. The adults smile with pleasant instructions to the children to lavenses las manos. Most of these boys appear to be around 8 or 9 years old. And if they were scared crossing the border, they don't seem afraid now. They cheerfully shout, hola, as they pass us in the hallway at St. PJ's Children's Home in San Antonio.

GREEN: I'm practicing my Spanish. I say hola. They say hello. So we're teaching each other, and they're just really sweet kids.

PACE: Beth Green is the development director at Saint PJ's, named for St. Peter and St. Joseph. Of it's 140 beds, the home now provides 82 beds for unaccompanied alien children, a flip-flop of its 100-year mission of caring for local kids.

GREEN: We're just seeing unprecedented numbers of children coming across without any kind of parents coming across or guardians coming across with them.

PACE: In the last year, Saint PJ's alone has served more than 600 unaccompanied minors. Most of these children's stories begin in their home countries of El Salvador, Honduras or Guatemala where they faced so much violence and poverty that often their only choice seems to be escape to the North. U.S. officials are calling it the surge.

The Department of Homeland Security has seen a dramatic increase of unaccompanied minors just in the last few weeks, so much so that the agency turned to the Pentagon for help. Kenneth Wolfe is a spokesman for the U.S. Department of Health and Human Services.

KENNETH WOLFE: The Department of Defense, at the request of the U.S. Department of Health and Human Services, is providing a temporary housing facility at Joint Base San Antonio-Lackland in Texas.

PACE: The Lackland shelter is a military barracks for basic trainees – three stories of large dorm rooms with showers, kitchens and dining facilities and a large outdoor area. The DOD started transporting children to the base a little over two weeks ago. Officials rushed to try to locate family members in this country. Wolfe says more kids are arriving daily.

WOLFE: Reasons for the surge – several reasons contribute to the dramatic increase in children crossing alone, including poor economic conditions, increased and sustained violence in their home countries, in addition to the desire to be reunited with their families in the United States.

PACE: According to Homeland Security, apprehensions of unaccompanied alien children doubled each of the past three years but has already jumped dramatically this year. In 2012, 13,000 unaccompanied minors came through the federal system. This year 60,000 are expected.

JENNIFER PODKUL: The stories are really horrific.

PACE: Senior program officer at the Women's Refugee Commission, Jennifer Podkul, toured the emergency shelters set up at Lackland during the first surge two years ago. She says most of the children there were older, probably in their late teens.

PODKUL: I spoke to a girl who said she opened her front door one day and there were pieces of a body, you know, thrown in a plastic bag on her doorstep as a warning from the gangs that they have to comply with all of the, you know, requirements that the gangs are asking.

PACE: Local agencies that deal with these kids say they're overwhelmed. In McAllen, when a child is picked up, the U.S. Border Patrol moves them to the front of the line for processing. But most detention facilities don't have accommodations for children, just concrete benches and some blankets. Border Patrol agent Chris Cabrera says facilities all along the Texas border are filled to overflowing.

CHRIS CABRERA: You know, we'll put the juveniles in a cell together, and they'll figure out who gets the bench, usually the smaller kids or the girls will get up on the benches. And the boys, they're pretty chivalrous so they'll sleep on the floor.

PACE: The Department of Homeland Security in a statement said the situation of so many unaccompanied minors crossing into the U.S. is an example of a broken immigration system and that the tools at the department's

disposal are limited. Back in San Antonio, Beth Green says St. P.J.'s has started a bilingual foster care program and will continue to provide a place where kids can feel safe until a family member or a foster home can be found.

GREEN: What we do is, we do what we do best. We take care of that child. We bring them in. We take them to a doctor. If they need to get vaccinations, we're getting vaccinations. We give them clothes. We make sure that they're fed. We give them educational opportunities, and we play. We play a lot of soccer.

PACE: For NPR News, I'm Eileen Pace in San Antonio.

GREENE: All right, that gives you some idea of this growing problem. We'll have more on the program tomorrow about unaccompanied minors coming across the border from Mexico. It's happening in alarming numbers.

Airline Group: No Timetable For Airplane Tracking

By batrawy

[Associated Press](#), June 3, 2014

DOHA, Qatar – A senior official at an organization representing the majority of airlines worldwide said Tuesday there is no specific timetable for implementing new tracking recommendations following the disappearance of a Malaysian aircraft with 239 people aboard in March.

Discussions about real-time tracking and airline safety have featured in many sessions of the International Air Transport Association's annual meeting, held this year in the Gulf-Arab nation of Qatar. That's because passengers and even experts continue to wonder how an aircraft can just disappear without anyone knowing what went wrong.

Speaking at the conference, IATA's Safety and Flight Operations Senior Vice President Kevin Hiatt said it is hard to speculate at this moment how long it will take before the aviation industry implements the recommendations that will be presented by December.

"What's happened in this particular case is that we found a gap that we feel that we need to basically close when it comes to now being more aware of exactly where that aircraft would be in a real-time situation," he said.

He said changes to aircraft could be included during scheduled annual maintenance of planes, but also depend on how quickly equipment can be made available and if new aircraft on order can accommodate the recommended changes.

"You are looking at a period of time that's hard to speculate at this moment," Hiatt said. "Aircraft technology has outpaced air traffic technology and therefore what we're doing is making the best of the system that we got."

Another panel at the conference focused on aviation security and the tricky balance between government regulation and passenger rights.

U.S. Secretary of Homeland Security Jeh Johnson said that while he flies on government aircraft since assuming the job, he tried five months ago to fly again as a passenger and went through security just like anybody else.

The first impulse when a scare happens, Johnson said, is to think about prohibiting or prevent something. But Johnson stressed that there must be a balance between security and not disrupting lawful trade and travel.

"I look at the world situation and I recognize that we continue to need vigilance when it comes to aviation security," he said.

He said pre-clearance facilities, like the one recently opened in the United Arab Emirates' capital of Abu Dhabi, is an effective tool for screening people before they board. The U.S. has pre-clearance passenger facilities throughout Canada, in four Caribbean locations and Ireland as well. The new facilities allow passengers to complete U.S. customs and immigration checks before boarding flights to the U.S.

Brian Havel, the dean of international affairs at De Paul University's College of Law in Chicago, spoke alongside Johnson and called for "smart regulation," one that takes into consideration the commercial airline industry and passengers' needs more.

Havel said the U.S. "backs the regulatory gang," pointing to the increase in federal air marshals after the Sept. 11 attacks. He said the program costs \$200 million a year to run and has led to just 50 arrests, none of them for terrorism-related offenses.

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Aviation Experts Consider Tracking Options Airlines Are Responding to Public Concern Over Lost Flight 370

By Robert Wall

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

IMMIGRATION AND CUSTOMS ENFORCEMENT

Food, Water, Smiles Greet Migrants Shipped To Ariz.

[Arizona Republic](#), June 4, 2014

The door of the Department of Homeland Security bus opened and about 40 undocumented immigrants from Central America staggered out into the ovenlike, 110-degree heat.

Almost all the migrants were women traveling with young children, some as young as 2 months old. They looked

tired and beaten down, having spent weeks traveling through Central America and Mexico trying to cross the U.S. border illegally.

The somber scene was suddenly shattered by a woman yelling almost gleefully.

"Bienvenidos a Phoenix!" Cyndi Whitmore cried out, waving her arms in the air like a tourist greeter. "Tenemos bebidas y comida en la estacion!"

Welcome to Phoenix. We have drinks and food inside the station.

As the release of undocumented immigrants from Central America at the Greyhound Lines Inc. bus station in Phoenix continued into a second week, dozens of community volunteers such as Whitmore have mobilized a grassroots effort to provide humanitarian assistance.

Most of the migrants, who were apprehended in Texas, are not staying in Arizona. After being dropped off at the bus station, they board buses for other cities across the country.

Still, their release, which started on Memorial Day, has drawn fierce criticism — from members of Congress concerned the migrants will now disappear into the U.S. and from humanitarian groups concerned the migrants are being dumped at bus stations without food, water and other basic necessities.

In response, growing numbers of community volunteers have been showing up at the bus station in Phoenix daily, handing out bottles of water, slices of pizza, burritos, hot sandwiches and other food as the migrants are dropped off.

The volunteers also have set up a large aid station at one end of the bus station with tables filled with bottles of aspirin, cold medicine, tooth brushes, mouthwash, deodorant, diapers, sanitary napkins and other necessities.

They also have brought in boxes of used clothing and shoes.

On Monday, Faustina Pablo, 29, from Guatemala, picked through piles of children's clothing for her daughter, Jeydi, 8, minutes after being dropped off at the station.

Like virtually all the other migrants, Pablo had been released by Immigration and Customs Enforcement on humanitarian parole with instructions to report to ICE once she reaches her destination elsewhere in the U.S. Pablo was headed to Oakland to reunite with a brother.

Interviews with nearly a dozen other migrants at the bus station indicated they were headed to cities all over the U.S., including Houston, Los Angeles, Baltimore, Miami and Nashville.

To help them arrange travel, some of the volunteers lend the migrants their cellphones so they can call relatives in other cities and arrange for them to pay for their bus tickets. Other volunteers help translate as the migrants pick up their tickets.

And for migrants who can't catch a bus until the next day, volunteers are taking them home for the night and

providing them with a place to sleep, said Whitmore, a volunteer with the Phoenix Restoration Project, which provides assistance to detained and released migrants.

"These are people who have been released on humanitarian parole," Whitmore said, adding that and providing them with assistance is "absolutely the right thing to do."

But not everyone is happy about their release.

On Monday, Arizona Gov. Jan Brewer sent a letter to President Barack Obama attacking his administration's decision to transport illegal immigrants from Texas to Arizona.

"I am deeply concerned about this troubling policy and the adverse impact on the illegal aliens, as well as to Arizona," Brewer wrote.

She also raised concerns about the migrants' safety.

"I remind you that the daytime temperatures in Arizona during this time of year are regularly more than 100 degrees," Brewer said. "Consequently, this federal operation seems to place expedience over basic humanitarian concerns."

On Tuesday, Arizona's two U.S. senators, John McCain and Jeff Flake, also sent a letter to Homeland Security Secretary Jeh Johnson demanding more information about the release of migrants at the bus stations, including how many have been transported to Arizona, why they are being released and how the DHS will respond to migrants who disappear or commit crimes after their release.

Over the Memorial Day weekend, about 400 migrants from Central America were flown from Texas to Tucson, where they were processed by the Border Patrol and then turned over to the custody of ICE.

The vast majority of those transported to Arizona are families consisting of women and children.

The families are being released under humanitarian parole and then dropped off at Greyhound bus stations in Tucson and Phoenix.

Although the release has drawn criticism, the Obama administration has deported more immigrants than administrations under any other president. In the first five years of Obama's presidency, the U.S. deported more than 2 million people, exceeding the number deported under all eight years of President George W. Bush's administration.

Jacqueline Wasiluk, a Border Patrol spokeswoman in Washington, D.C., could not say Tuesday whether any additional migrants have been flown from Texas to Arizona, or whether the Border Patrol plans to transport more migrants to Arizona.

She reiterated that the migrants are being transported to Arizona because the Border Patrol does not have the manpower to handle a surge in undocumented immigrants from Central America being apprehended in the Rio Grande Valley of southern Texas.

While illegal-immigrant apprehensions in the Tucson Sector, once the nation's busiest, have plummeted in recent

years, they have soared in southern Texas, which is now the main entry point for illegal border crossers.

In fiscal 2013, the Border Patrol recorded 154,453 apprehensions in the Rio Grande Valley, up 58 percent from the previous year.

Carlos Vélez-Ibáñez, chairman of Arizona State University's department of transborder studies, said a combination of crime, violence, poverty, gangs, drug cartels, corruption, economic problems and government instability is driving growing numbers of Central Americans to attempt to enter the U.S. illegally.

"These places are falling apart," Vélez-Ibáñez said.

All the migrants interviewed at the Greyhound bus station said they were from Guatemala, El Salvador or Honduras.

Honduras has the highest homicide rate in the world, according to an April report by the U.N. Office on Drugs and Crime.

El Salvador ranks fourth and Guatemala fifth.

But there may be another reason why so many migrants from Central America are attempting to cross the border illegally.

Several migrants said news stations in their home countries have been reporting that parents traveling with children are more likely to be released even if caught crossing the border illegally.

"That is what they are saying on the news, that if you travel as a woman with a child, there is an opportunity to get in," said Paulina Say, 29.

She was waiting to board a Greyhound bus to travel to Miami, where she said her husband has been living in the U.S. illegally for seven years working in a restaurant.

Say said she traveled by bus from her home in Totonicapan, Guatemala, through Mexico with her 6-year-old son, Mario.

Say said that once she reached Reynosa, a border city in Mexico across from Hidalgo, Texas, she paid a smuggler to ferry her and her son across the Rio Grande in an inflatable boat. Soon after, she was caught by the Border Patrol.

When U.S. immigration authorities in Texas loaded her onto a plane, Say said, she thought she was being flown back to Guatemala. Instead, she was flown to Arizona and released with a piece of paper instructing her to report to the ICE office in Miami at 9 a.m. on June 17.

"I came out of necessity," she said. "It's not safe in my country."

From Greyhound To Southside Presbyterian: Immigration Central

[Tucson \(AZ\) Weekly](#), June 3, 2014

Standing outside the Greyhound bus depot on Wednesday, May 28 at 9 p.m., a woman leans against the

railing, takes a deep breath and looks across the parking lot at the I-10 traffic.

A break from the noise and activity inside, where about 20 other women and their children, more than 10 children—crying, laughing, playing and waiting for buses to come and take them to other parts of the country. I hear someone mention Florida, another Tennessee and someone else Chicago.

This woman from Honduras, is one of hundreds of women, most with children, from Central America, being dropped off at the bus station all hours by Immigration and Customs Enforcement in vans from the airport and from the U.S. Border Patrol detention off Golf Links. The same is happening in Phoenix.

Casa Mariposa volunteers helping the families say it's not a new occurrence, but the past seven months the numbers being dropped off at the bus station—without funds to purchase tickets, without food or toiletries, and without a means to call family or friends for help—has tripled.

It was noticeable this past Memorial Day weekend when more than 100 women and children arrived at the bus depot and volunteers went into action, which included a press release explaining that something unusual was occurring. Casa Mariposa, a faith-based community that works with detained immigrants and others released from detention, provide shelter and necessities.

Volunteer Laurie Melrood, helping translate, says working with those released at the bus depot has meant maintaining a good relationship with Greyhound employees and management, who've been in touch with ICE to see if the agency is willing to better coordinate drop-offs. When drop-offs have occurred in the past, Melrood say Greyhound employees call to let them know their help is needed.

Melrood says those being dropped off have been given deportation dates and ordered to check in with ICE wherever they go next, but they are not given funds or tickets. Volunteers help the women make calls to family and friends in other parts of the country to ask if they can buy tickets and meet them at the stations; those catching buses the next day are given shelter and those waiting at the station are given toiletries, food, clothing and toys for the children.

It was reported that a large number of those being dropped off were flown in from Texas—which has experienced a large volume of border crossers. ICE Texas detention is at capacity. However, the woman I talked to outside the bus depot wasn't one of them—she was apprehended by Border Patrol with her five-year-old son walking around the desert for two hours after climbing the wall near Naco.

She left her mother and father in Honduras with her second child with the idea that she'd be able to get a job to help support them—Honduras she says is violent and they live in poverty. It's not an unusual immigrant story, but as she

explains the details, that it took 8 months to get from Honduras to Mexico City riding the top of a train with her son, and then three tries to get over the border.

Her son is crying between the waiting area and ticketing, shouting “Mama, mama.” She brings him into her arms. He hold tight, leans his face into her shoulder, drying his face with her T-shirt sleeve. “God has kept us safe. God has given me strength.”

The immigration experience on the other side continues—South Tucson at Southside Presbyterian Church where Daniel Neyoy Ruiz has spent more than 20 days with his son and wife in sanctuary to prevent his deportation.

The church community and his attorney, Margo Cowen, are working to put national pressure on the White House and Department of Homeland Security Secretary Jeh Johnson through phone calls, emails, faxes and a petition on Groundswell that went from a little more than 100 to more than a 1,000 signatures in less than a week—in an effort to stay Neyoy Ruiz deportation.

Supporters say Neyoy Ruiz fits the category of individuals the administration has said should not be deported because of adverse family and community effects—his deportation would separate him from his wife and teenage son.

In a May 27 letter Cowen sent to Secretary Johnson on Neyoy Ruiz’s request for administrative closure, she wrote “Today ... cases exactly like that of Mr. Neyoy are regularly being administratively closed by the Immigration Court ...

On May 13 Daniel Neyoy and his family sought the protection of sanctuary at the Southside Presbyterian Church in Tucson, Arizona, birthplace of the Sanctuary Movement of the early 1980s where safe haven was provided to thousands of Central Americans fleeing the unspeakable atrocities of war. Daniel and his family remain in sanctuary at Southside...essentially waiting for our government to do the right thing.”

Minor Migrants From Central America Overwhelming Arizona Shelters

[Hispanically Speaking News](#), June 4, 2014

Children’s shelters in Arizona are overflowing after the arrival of hundreds of Central American immigrants transferred from Texas, the epicenter of a massive arrival of undocumented children characterized by President Barack Obama as an “urgent humanitarian situation.”

The Guatemalan Consulate in Phoenix said that this week it received 70 of its country’s citizens who were released at the Greyhound bus station by U.S. immigration authorities.

The migrants were brought from Texas, where the children’s shelters and detention centers are full due to the

avalanche of undocumented Central Americans in recent months.

The situation is also being felt in shelters in Arizona, with the Phoenix centers already overcrowded with children who arrived alone in this country, Guatemalan Consul Jimena Diaz told Efe.

The number of children crossing the border alone has increased more than 90 percent compared with last year, Cecilia Muñoz, director of the White House Domestic Policy Council, said Monday in conjunction with Obama’s presidential memorandum ordering “a unified and coordinated Federal response.”

The number of unaccompanied children entering the United States could approach 66,000 this year, more than quadruple the number two years ago, according to unofficial estimates.

Diaz said she spoke with Immigration and Customs Enforcement officials and expressed to them her concern over the lack of security for mothers and children, many of whom are babies, when they are left at bus stations.

She said ICE officials assured her that this situation will prevail until Wednesday or Thursday and that then it will “normalize” and “women with children are going to be processed in Texas.”

A recent report by the Border Patrol said that more than 100,000 undocumented Central Americans have been detained on the Texas border so far in fiscal year 2014, which began last Oct. 1, and that the majority of these detentions were of minors.

“If we have a situation where the two parents are coming we ask that the decision be made who will go with the child and who will remain in detention” to be turned over to ICE, Andy Adame, the spokesman for the Border Patrol in Arizona, told Efe.

Meanwhile, activists and community organizations are offering advice and assistance to these immigrant families who are released at Arizona bus stations. One of the organizations is Casa Mariposa in Tucson, which is offering them lodging and food.

“We are helping them understand the situation and the trip. These people don’t know anyone here and everything is new for them,” Kristina Schlack, a volunteer at Casa Mariposa, told Efe.

CBP: Transfers Of Undocumented Immigrants Happens On A ‘Regular Basis’

[KNXV-TV Phoenix](#), June 4, 2014

PHOENIX – Officials with U.S. Customs and Border Protection and Immigration and Customs Enforcement released more information Tuesday regarding the transfer of several apprehended immigrants from Texas to Arizona.

"U.S. Customs and Border Protection Tucson Sector is assisting with the processing of apprehended immigrants, many of whom are family units, apprehended in South Texas," said Lori K. Haley, spokeswoman for the Department of Homeland Security in a joint-released statement.

Hundreds of people have been bussed from Tucson to a Greyhound station in Phoenix. An official said this is routine procedure, however, typically involves smaller numbers of individuals.

Local organizations have been providing food, water and cell phones to individuals so they can get in contact with family to make travel arrangements. Volunteers have even opened up their homes to offer people a place to stay until they can secure a ticket to their final destination.

Haley said most of the families who crossed the Texas border were from Central America and Mexico.

The Department said that these transfers between Border Patrol sectors happen on a "regular basis to allow CBP to manage flows and processing capability."

These flights are managed by the Ice Air Operation, which is the transportation arm of ICE. In 2013, according to the Department's online report, the department averaged 43 flights per week.

She said each individual is screened and biometrics are taken and put into the system at the Tucson sector. She said each individual is subject to removal; however, individuals may not always be detained while that is determined.

Once processed, cases will be referred to ICE where they will be assigned to an office closest to an address provided by the individual. Individuals will then be required to check in with that ICE field office within 15 days, she said.

Haley said that ICE began transporting processed families to the Tucson Greyhound station over the Memorial Day weekend. This includes individuals who have bonded out of immigration detention, prevail in their court cases or are granted parole.

Arizona Gov. Jan Brewer penned a letter to President Barack Obama on Monday saying it is "especially disconcerting that (the United States Department of Homeland Security) instituted this operation without any notification to my office, the Arizona Department of Public Safety or the Arizona Department of Homeland Security. We instead learned of this action from the news media."

Read the full letter on abc15.com.

Brewer also expressed her concern for the well-being of the individuals being exposed to Arizona's triple-digit temperatures without food or water.

Brewer Sends Critical Letter To Obama

[Associated Press](#), June 4, 2014

TUCSON — Calling it dangerous and unconscionable, Arizona Gov. Jan Brewer on Monday sent a letter to President Barack Obama criticizing reports that immigration

officials sent migrant families from Texas to Arizona, later dropping them off at Greyhound stations in Phoenix and Tucson.

"As governor of Arizona, I am deeply concerned about this troubling policy and the adverse impact on the illegal aliens, as well as to Arizona," she wrote.

Brewer was also alarmed that federal officials did not notify state and local law enforcement.

"Our nation and the state of Arizona face significant challenges stemming from your administration's refusal to carry out its responsibility to secure our country's southern border. State and local governments, law enforcement agencies, health care providers and nonprofit organizations are all stretched to the breaking point attempting to manage the enormity of these challenges," Brewer said, adding that sending migrants to Arizona exacerbates the problem.

However, border crossing apprehensions in Arizona have significantly dropped over the last year as they've spiked in Texas.

From October 2013 to May 17, agents in the Rio Grande Valley made more than 148,000 arrests, compared with 63,000 arrests in the Tucson sector. But the Rio Grande Valley has about 1,000 fewer agents than Tucson.

The shortage of resources came to a head over Memorial Day weekend, when border agents in the Rio Grande Valley saw a surge in families with children crossing into Texas.

They flew more than 400 of those families to Tucson, where border agents processed the migrants and transferred them to of Immigrations and Customs Enforcement.

ICE then dropped the migrants off by the busload at the Greyhound station in Tucson. The station became overwhelmed and ICE began transferring some migrants to the Phoenix station.

The groups of migrants included hundreds of women with children ranging from months old to pre-teens. They were initially dropped off without any food or supplies, but humanitarian organizations like the Phoenix Restoration Project deployed volunteers who helped the migrants to navigate the bus station and supplied food, diapers and medical care.

Brewer was highly critical of the federal government's decision to drop off the families.

"I remind you that the daytime temperatures in Arizona during this time of year are regularly more than 100 degrees. Consequently, this federal operation seems to place expediency over basic humanitarian concerns. The federal government should not shirk its lawful responsibility to care for and properly process these individuals," Brewer wrote.

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Rep. Paul Gosar Calls For Investigation Into Illegal Immigrant Drops

[KTAR-FM Glendale \(AZ\)](#), June 4, 2014

PHOENIX – U.S. Rep. Paul Gosar (R-Ariz.) is calling for an extensive investigation into why possibly hundreds of illegal immigrants captured in Texas were dropped off at bus stations

in Tucson and Phoenix.

Gosar said there are many questions that need to be answered.

“We want to know who authorized it, what is the law enforcement purpose of this policy (and) why would Homeland Security or ICE [Immigration and Customs Enforcement] be transporting these individuals to Tucson from as far away as Texas?” Gosar said. “There’s lots of questions that we want answered.”

Gosar said he also wants to know how many people have been dropped off and what instructions were given to them.

Gosar sent a letter Monday addressed to Congressman Darrell Issa (R-Calif.), chairman of the House Oversight and Government Reform Committee, as well as to other ranking members, requesting the investigation of what Gosar called “questionable and potentially dangerous actions” being taken by the Obama administration, Attorney General Eric Holder and the Secretary of Homeland Security Jeh Johnson.

The letters come on the same day that President Obama called the influx of child migrants coming across the Mexico and U.S. border an “urgent humanitarian” issue, according to the Associated Press

, to which Gosar said he wonders why then so many people were dropped off in the Arizona heat without resources.

“The urgency right now is the inhumane and ludicrous application here, particularly in the hot weather,” Gosar said. “Particularly with people who are very susceptible to the heat and food and water ... what were they [the federal government] thinking?”

Arizona Gov. Jan Brewer also sent a two-page letter to President Obama on Monday asking several questions about the issues and expressing concern of the actions of DHS and ICE.

She also expressed concern over first learning of the dropoffs through the media, rather than being personally notified.

Pinal County Sheriff Paul Babeu also weighed in on the situation Monday.

“All they [the immigrants] have to do is sign a promise to appear in 15 or 30 days to the court. This is insanity,” Babeu told KTAR. “These people (that) have come from foreign countries have broke the law, and we’re not enforcing the law on them.”

“This is the most insane, frustrating process – to be in law enforcement and to have our own federal government work at cross-purposes directly against us.”

Gosar said he is also curious as to why Gov. Brewer was not consulted before the immigrants were dropped off and said he supports her seeking reparations.

“We would hope that she would also look into legal ramifications (against) the federal government, as far as a suit, for compensation for having to take care of these people – because that is a federal issue, and without consultation with the state, they should be liable for those directive costs,” he said.

Church Takes On US Government By Offering Sanctuary To Immigrant And Family

By Yasmine Hafiz

[Huffington Post](#), June 4, 2014

Daniel Neyoy Ruiz was ordered to leave the United States of America on May 13, 2014, after failing to produce legal documentation to immigration authorities. However, he has been able to stay by taking sanctuary in a church, Southside Presbyterian in Tucson, Arizona.

Neyoy Ruiz has lived in the United States for fourteen years, and is desperate to avoid being separated from his wife and thirteen-year-old son, who holds U.S. citizenship, reports Reuters.

Rev. Alison J. Harrington, the pastor of Southside, sees the situation as a moral one that is indicative of America’s “broken immigration system.” She told the Arizona Daily Star:

Offering sanctuary to Neyoy Ruiz was something we prayerfully and carefully considered because we do not take this action lightly. As one of the founding churches of the Sanctuary Movement of the 1980s, we know there are risks involved and we know there is a great deal of work ahead as we reorient the life of our church around caring for this family.

We also know that in times such as these, we are called by our faith in Jesus Christ to act on behalf of those who suffer. Throughout scriptures, people of faith are called to care for the orphan and the widow, but when it is a broken immigration system that is creating orphans and widows, we need to start intervening sooner.

On May 15, the U.S. Immigrations and Customs Enforcement announced that they would not actively track down Neyoy Ruiz for immediate deportation. Spokeswoman Amber Cargile wrote in a statement, ““After conducting a thorough review of Mr. Ruiz’s immigration case, U.S. Immigration and Customs Enforcement (ICE) has decided to exercise prosecutorial discretion by not taking immediate action on Mr. Ruiz’s removal order,” according to Arizona Central.

The ICE's decision does not change the fact that Ruiz can be deported at any time, which is why he is remaining at Southside as a refuge until the deportation case is closed.

A petition to Secretary Jeh Johnson of the U.S. Department of Homeland Security to close the case seeks 2,000 signatures. It explains:

The good news is that what we are asking ICE to do, is something they do every day. The Obama administration has said that people like Daniel – individuals with no criminal history, with strong ties to the community, and with US Citizen children are a low priority for deportations and he has said recently that we should not be in the business of tearing apart families. While our current system needs serious reform, there is grace within our current system for people like Daniel and we are simply asking the administration to show Daniel that grace by closing his deportation order and allowing him to remain in Tucson with his wife Karla and son Carlos.

Arizona congressman Raul Grijalva has added his voice to the call for mercy for Neyoy Ruiz. Rep. Grijalva visited him at Southside and sent a letter to White House advisor Cecilia Munoz on behalf of Neyoy Ruiz, according to KVOA.

The Cash Smelled Like Pot, So The Feds Kept It

By James Eli Shiffer

[Minneapolis Star Tribune](#), June 4, 2014

Someone had tipped off federal agents that a California man with a large quantity of drug money would soon be boarding a flight from Minnesota to Arizona. They spotted him at gate H-7 in the Humphrey Terminal of Minneapolis-St. Paul International and let loose a "certified narcotics dog." The dog showed strong olfactory interest in two of the man's three pieces of luggage. So the feds seized those two bags and let the man get on the plane to Phoenix.

They knew what they might find in the two bags because the man had already told them that he had a large quantity of cash from his bingo business. The feds found no drugs, but \$138,121 that – literally – smelled like marijuana, according to court records.

Last week, U.S. Chief District Judge Michael Davis entered a default judgment that allows the federal government to keep the money through forfeiture. The man from whom it was seized that day in January 2013 did not make a claim for it. Nor did anyone else. According to the arrest warrant filed against the money, the U.S. Homeland Security Investigations maintains that it represented the proceeds from the distribution of "high-grade" marijuana in Minnesota. Eight months following the seizure, federal agents raided a warehouse in Oakland, Calif., where they found a walled-off area housing a marijuana growing operation, according to records.

I could not find any criminal charges against the former owner, so I'm not naming him. It's another example of how the forfeitures can move forward on their own legal track.

About the same amount of money was seized in a marijuana investigation in Dakota County late last month that resulted in drug charges against four people. Either amount would easily cover the cost of the first year's salary of whoever's hired to run the new Minnesota Office of Medical Cannabis.

CUSTOMS AND BORDER PROTECTION

Suspect's Killing Tests Border Patrol Policies

[Arizona Republic](#), June 3, 2014

Promises made by Customs and Border Protection officials to bring greater transparency and accountability to their investigations of deadly force may be put to the test by the shooting death of a drug-smuggling suspect from Tucson only hours after the new policies were announced.

"We will hold people accountable. We will do investigations," CBP Commissioner Gil Kerlikowske said Friday morning, announcing new, more restrictive policies on the use of deadly force by Border Patrol agents and customs officers.

A few hours later, at about 2:30 p.m., Border Patrol Agent Daniel Marquez shot at Jose Luis Arambula, 31, nine times as Arambula fled on foot after his vehicle got stuck while he was driving across the Torres Blancas Golf Club in Green Valley, according to the Pima County Sheriff's Department. One shot hit Arambula in the head, entering behind the left ear, Deputy Tracy Suitt said.

The Border Patrol agents told detectives that Arambula, a U.S. citizen, had made what they called "punching out" motions with his hands, which police described as moving both hands out together as though aiming with a gun. However, sheriff's investigators said that Arambula was unarmed.

Border Patrol agents on Interstate 19 tried to pull over Arambula's vehicle, then gave chase as he drove from the highway onto an access road and a short street onto the golf course, according to the Sheriff's Department. Two agents chased Arambula on foot for about a quarter of a mile. Then, Marquez opened fire.

Golf course superintendent Dale Beddo said there didn't appear to have been any golfers or staff nearby at the time of the shooting.

"The first we knew about it was when the detectives called us because the sprinklers had come on," he said. The Sheriff's Department said deputies found 21 bales of marijuana weighing nearly 500 pounds in the car.

Arambula had been involved in a similar incident April 4, when he was chased and then arrested by sheriff's

deputies a few blocks from I-19 in South Tucson. Deputies found marijuana and methamphetamine in his car, Pima County Deputy Prosecutor Heather Siegle said.

In that earlier incident, Arambula hit another vehicle while fleeing, leading prosecutors to file three counts of aggravated assault against him, as well as drug charges and one count of fleeing from law-enforcement officers, according to documents.

Arambula, who had no prior criminal convictions, was freed May 1 on a \$2,500 bond, said his public defender, Tatiana Struthers. He had been due back in court to enter a plea on June 23.

On Friday morning, CBP Commissioner Kerlikowske announced changes to the Border Patrol's use-of-force policy, tightening and clarifying restrictions on when agents can use deadly force.

Kerlikowske also promised that, as part of an ongoing process, the CBP will improve the timeliness and transparency of the investigation of deadly-force incidents.

As The Arizona Republic has reported, investigations into past deadly-force incidents often remain open for two and even three years. The CBP has generally refused to release agents' names or any information either about its own review or other findings in such cases.

Marquez's name was released by the Pima County Sheriff's Department, not the Border Patrol. The CBP declined to confirm Marquez's name. As a matter of policy, the CBP acknowledges deadly-force incidents only when queried, a spokesman said, declining to answer any questions or provide further details about the incident.

Both the new and the prior use-of-force rules specified that agents were to use deadly force only when necessary because of the imminent danger of death or serious injury to themselves or someone else.

Both sets of rules also stated that deadly force is not to be used "solely to prevent the escape of a fleeing subject." Deadly force is justified only when the person "has inflicted or threatened to inflict serious physical injury or death" and the person's escape poses an imminent threat of serious injury or death to the agent or others.

The FBI confirmed Monday that it will not be involved in the investigation, which is being conducted by the Pima County Sheriff's Department.

Immigration/Culture Beat: GAO Finds Passport Fraud Still A Problem

By Mark Brunswick, Star Tribune

[Minneapolis Star Tribune](#), June 4, 2014

When the Government Accountability Office reviewed approximately 28 million passports issued in fiscal years 2009 and 2010, it found passports were issued to applicants who used the IDs of people who were either dead or in prison, had

active felony warrants, or used an incorrect Social Security number.

While the GAO found no evidence of pervasive fraud, the State Department says it has taken steps to improve its detection of passport fraud and its issuance of passports to high-risk applicants.

In its investigation, the GAO found 13,470 passports issued to individuals who used the Social Security number, but not the name, of a deceased person; as well as 24,278 to applicants who used a likely invalid Social Security number. It cited data errors as the likely reason for the bulk of the inaccuracies.

But, as the report points out, even a small number of fraudulent passports pose a significant risk. They conceal the true identity of the user and can potentially facilitate other crimes, such as international terrorism and drug trafficking. The U.S. issued over 13.5 million passports during fiscal year 2013.

In early April this year, U.S. Department of Homeland Security officials described as "disturbing" the number of countries that report very little — and in some cases no — lost or stolen passport data to INTERPOL for inclusion in its database.

The issue has proved consistently problematic for federal officials. In 2010, GAO undercover agents were able to get the State Department to issue five of the seven passports it requested using fraudulent information. The government failed to detect such things as a fake driver's license, a 62-year-old using a recently obtained Social Security number, and a request in the name of a dead applicant using faked identification.

Two passengers aboard Malaysia Airlines flight MH370 were traveling under stolen passports when it disappeared earlier this year, bringing with it questions about who the men were and why their stolen passports were not flagged.

TRANSPORTATION SECURITY **ADMINISTRATION**

TSA Employees Accused Of Fighting

By Keith Laing

[The Hill](#), June 4, 2014

A Transportation Security Administration employee is being accused of attacking one of his co-workers with a box cutter during a fight, the agency confirmed on Tuesday.

The employees, who both work at Atlanta's Hartsfield-Jackson International Airport, were fighting over a sports bet, according to reports.

One employee is alleged to have used a box cutter during the fight to cut another one's face.

The TSA said in a statement that provided to The Hill that both employees are facing disciplinary action and legal consequences for participating in the fight.

"TSA is aware of the allegations against the individual employed as a Transportation Security Officer (TSO) at Hartsfield-Jackson Atlanta International Airport," the agency said. "The employee is on unpaid, indefinite suspension pending the outcome of a law enforcement investigation."

The incident was first reported by The Atlanta Journal-Constitution.

The paper said both employees were arrested for participating in the fight. The employee who was wielding the box cutter was charged with aggravated assault, and the other employee was charged with simple battery, according to the report.

TSA officials told The Hill that the employee who is accused of assault was authorized to carry a box cutter in the secure areas of the Atlanta airport.

But the agency said it "holds its employees to the highest ethical and professional standards, both on and off the job."

"TSA has zero tolerance for misconduct and takes appropriate action when allegations are substantiated," the agency said.

TSA Finds Loaded Gun In Carry-on Bag At Savannah/Hilton Head Airport

[Savannah \(GA\) Morning News](#), June 3, 2014

A check of a passenger's bag Tuesday morning at the Savannah/Hilton Head International Airport turned up a loaded gun.

When the passenger went through a security checkpoint about 11 a.m., the Transportation Security Administration discovered a 9-mm. handgun that was loaded with six rounds of ammunition inside the person's carry-on bag, said Mark Howell, regional TSA spokesman.

TSA notified airport police, who cited the passenger on local charges.

While firearms may be transported in checked baggage (provided they are declared to the airline, in a proper carrying case and unloaded), they are prohibited in carry-on bags, Howell said.

"Passengers are responsible for the contents of bags they bring to the checkpoint," Howell said. "Our advice is to look through bags thoroughly before coming to the airport to make sure there are no illegal or prohibited items."

The gun was the first firearm discovered at a security checkpoint by TSA officers at Savannah's airport this year, Howell said. Two firearms were discovered at the airport in 2013.

In addition to potential criminal charges, passengers who bring firearms to a checkpoint face civil penalties from TSA.

TSA Lane Reopens At Savannah-Hilton Head Airport

[WJCL-TV Savannah \(GA\)](#), June 3, 2014

POOLER, Ga. (WJCL) – Officials with the Savannah-Hilton Head International Airport are reporting that the Transportation Security Administration (TSA) check lane is resolved and the third lane is reopened.

However, officials are still recommending that passengers arrive a full 90 minutes before their departure time to allow for check-in and security.

The closure of one x-ray line for repairs forced many into long lines at the airport this weekend. Because of the closure, air travelers were advised to arrive a full two or more hours before their flights departed.

Man Cited After Gun Found In Bag At Va. Airport

[Associated Press](#), June 4, 2014

NORFOLK, Va. (AP) – Police cited a Yorktown man after security officers found a loaded gun in a carry-on bag at Norfolk International Airport.

The Transportation Security Administration tells media outlets that one of its officers discovered the 9mm handgun at an X-ray machine checkpoint.

The agency says the gun was loaded with six rounds.

Police confiscated the gun and cited the man.

The incident occurred Sunday.

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Yorktown Man Cited After Norfolk Airport TSA Agents Find Loaded Gun

[WVEC-TV Hampton Roads \(VA\)](#), June 4, 2014

NORFOLK – A Yorktown man was cited by police after Transportation Security Administration officers at Norfolk International Airport found a loaded gun in his carry-on bag Sunday.

According to the TSA, as the man was passing through the airport checkpoint when an officer detected a handgun inside one of his carry-on bags.

Police responded, confiscated the firearm and cited the man on a local weapons charge.

The gun was loaded with six rounds of ammunition, according to the TSA.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Levee Grant To Ease Burden On Sewer Rates

By John Howell

[Warwick \(RI\) Beacon](#), June 3, 2014

Warwick sewer customers got some welcome news last week: they won't have to bear the full cost of elevating the levee at the wastewater treatment plant.

After years of diligence and persistence on the part of the city, the Federal Emergency Management Agency announced Friday the approval of \$3.6 million to cover 90 percent of the project to upgrade flood protection measures at the facility, which was overcome by Pawtuxet River floodwaters in the spring of 2010. The flooding inundated the treatment plant, causing its shutdown as well as the adjoining Warwick Animal Shelter. Damages totaled \$14 million, which insurance paid for.

With plans to upgrade treatment facilities to further reduce the discharge of nitrogen and phosphorous to meet the Department of Environmental Management permit, projected to cost \$16 million, the sewer authority planned to elevate the levee by an additional 5½ feet at a projected cost of \$5 million. Earlier this year, the City Council approved up to \$23 million in revenue bonds for the work. Those bonds are to be paid off through user fees.

While a ceremonial groundbreaking is in the planning stages, some preliminary work has already begun. The sewer authority has awarded a \$14,479,000 contract to Hart Engineering Corp. of Lincoln to do the levee work and build the phosphorous removal building. Material excavated for the foundation of the building and processing tanks will be used to heighten the levee, Lynn Owens of the Sewer Authority said yesterday.

"This is a very cost-efficient process," she said.

The project is being overseen by AECOM Technical Services Inc. and is projected for completion in the fall of 2016.

With most of the levee cost being paid for by the federal grant, Warwick sewer customers will get some relief.

Authority director Janine Burke said the authority first applied for federal funding to raise the levee in November 2010.

"Back then it was \$7 million," she said.

But as the authority "tweaked" cost estimates, the price kept coming down. Burke said merging the work with the upgrades required of the treatment plant further reduced the cost.

"Anytime we don't have to borrow money, it's great," she said of the award. She said the grant would enable the

authority "to take another look at borrowing for the rest of the project."

She said with the grant, the authority would look at rate studies going forward, to stabilizing rates and minimizing the increases.

Approval of the federal funding at 90 percent of the cost of the project brought a shower of applause from state and city officials. Senator Jack Reed, who authored the provision to increase the federal share from 75 to 90 percent, commended FEMA Administrator Craig Fugate for his personal intervention to get this project moving.

"The strength of our local economy depends on the health of our water resources, so this project is a wise investment for public health and safety as well as the environment and economy," said Senator Reed.

In a release, Senator Sheldon Whitehouse said, "Sensible improvements like these will go a long way in reducing the risks from future flooding, and keeping our communities safe and healthy."

Congressman Jim Langevin and Gov. Lincoln Chafee likewise hailed the grant, as did Mayor Scott Avedesian.

"These improvements will address past vulnerabilities at the treatment facility and help to ensure that the system can remain operational should another catastrophe occur – protecting our residents and business community alike from disruption. Securing this funding took time, cooperation and patience on the part of the many people who worked together to secure FEMA's funding approval," Mayor Avedisian said in a statement.

News of the award elicited a jubilant call from Ward 5 Councilman Ed Ladouceur. Ladouceur chairs the Council Sewer Review Commission that, after scores of hearings, was instrumental in gaining council approval of revenue bonds for treatment facility improvements, as well as \$33 million to extend sewers to six communities. Throughout the study process, Ladouceur has been focused on means to reduce costs to sewer users and in expanding the system.

The proposed flood mitigation measures outlined in the project application are threefold: raise the existing levee to the 500-year flood level, with a two-foot safety factor; add a toe drain system to keep groundwater below the inside portion of the levee and allow the levee to remain stable during future flooding events; and modify the existing storm drain system. All three measures are intended to reduce the chance of future flood damages to the wastewater facility buildings and equipment, as that which occurred during the March 2010 storm.

Minot Residents With FEMA Units Get Reprieve

[Associated Press](#), June 4, 2014

MINOT, N.D. (AP) – Minot residents who have been living in Federal Emergency Management Agency units on their private lots since a 2011 flood devastated their homes have gotten an extension to move the temporary units.

KXMC-TV reports (<http://bit.ly/1h3Dx0L>) that the Minot City Council on Monday voted to extend the deadline if the homeowners present a plan for how they intend to finish work on the flooded homes.

FEMA made more than 2,000 mobile homes available to residents displaced by historic flooding in June 2011.

The Souris River flood swamped 4,100 homes and other structures in +Minot+ and Ward County.

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Deadline For FEMA Assistance To Storm Victims Approaching

[Mississippi Business Journal](#), June 3, 2014

ACROSS MISSISSIPPI — The Mississippi Emergency Management Agency is reminding residents that June 30 is the deadline to register with FEMA for assistance to recover from damage caused by severe storms, tornadoes and flooding between April 28-May 3.

Disaster survivors in Itawamba, Jones, Leake, Lee, Lowndes, Madison, Montgomery, Rankin, Simpson, Warren, Wayne and Winston counties may be eligible for FEMA's Individual Assistance program.

Assistance can include grants for temporary housing and home repairs, and for other serious disaster-related needs, such as medical and dental expenses or funeral and burial costs. Low-interest disaster loans for homeowners, renters and businesses of all sizes from the U.S. Small Business Administration may also be available to cover losses not fully compensated by insurance. SBA has the same filing deadline of June 30 to receive loan applications for physical damages.

Mississippi residents should register with FEMA even if they have insurance. FEMA cannot duplicate insurance payments, but under-insured applicants may receive help after their insurance claims have been settled.

Registering with FEMA is required for federal aid, even if the person has registered with another disaster-relief organization. FEMA registrants must use the name that appears on their Social Security card.

Applicants will be asked for the following information:

Social Security number

Address of the damaged home or apartment

Description of the damage

Information about insurance coverage

A current contact telephone number

An address where they can receive mail

Bank account and routing numbers for direct deposit of funds.

Individuals and households in the 12 eligible counties can register for FEMA assistance online at DisasterAssistance.gov, via smartphone or tablet at m.FEMA.gov or by calling the FEMA helpline at 800-621-FEMA (3362.) People who are deaf, hard of hearing or have a speech disability and use a TTY should call 800-462-7585. Lines are open 7 a.m. to 10 p.m. (central time) and assistance is available in multiple languages.

CITIZENSHIP AND IMMIGRATION SERVICE

Dick Durbin: DOD Policy Change 'inadequate'

By Seung Min Kim And Jeremy Herb

[Politico](#), June 3, 2014

Sen. Dick Durbin said Tuesday that a proposed Pentagon policy change to allow some young immigrants who came to the U.S. illegally to join the military is insufficient and called for a broader approach that would allow more so-called Dreamers to enlist.

The Defense Department has sketched out a proposal that would allow certain immigrants shielded from deportations under a 2012 Obama administration initiative to join the military. Under the proposed policy shift, they would enlist through an existing program called Military Accessions Vital to the National Interest, which brings immigrants with certain expertise — such as language or medical — into the military.

Durbin, who spoke recently with both White House officials and the Pentagon, has said he believes all immigrants who have benefited from the 2012 program — called Deferred Action for Childhood Arrivals, or DACA — should be allowed to enlist. On Tuesday, he called for a “grander approach” than what the Pentagon has laid out.

“I feel very strongly that even the proposed Pentagon approach is inadequate,” Durbin said. “MAVNI is not a large enough program to absorb all of the talent that people who are benefited by DACA could offer to our military. It's a start, but it's a very modest start.”

The new Pentagon policy has not been formally released and is not likely to be unveiled until later this summer, as the White House asked defense officials to delay announcing any changes until then. The move is part of a broader White House effort to avoid executive action on immigration policy — meant to give House Republicans space and time to move immigration reform bills through the chamber.

Durbin, the second-ranking Senate Democrat, said he wants to “stand by the White House” and leave the next two

months free of any executive action from Obama on immigration, which is likely to kill the chances of an overhaul this year.

"If they fail to do it by the end of July, the president will have to exercise other options," Durbin said, referring to House Republicans. He later added that he believes the Pentagon has yet to finalize the change.

Durbin has a key ally at the Pentagon in Defense Secretary Chuck Hagel, who as the Republican senator from Nebraska co-sponsored the DREAM Act — legislation that would have created a pathway to citizenship for young undocumented immigrants who came here as children.

Durbin Backs Delay To DOD Immigration Rule

By Martin Matishak

[The Hill](#), June 4, 2014

Sen. Dick Durbin (D-Ill.) on Tuesday said he supports the White House's move to delay plans for allowing more illegal immigrants to serve in the military.

The Obama administration reportedly asked the Pentagon to hold off on their ruling to give time and incentive for House Republicans to pass comprehensive immigration reform.

"I want to stand by the White House," said Durbin, the Senate's No. 2 Democrat. "Let's give the Speaker [John Boehner (R-Ohio)] the opportunity to do the right thing and finally call this bill."

Durbin said House GOP leaders have until the end of July to act on immigration or "the president will have to exercise other options."

The Defense Department's plans would allow immigrants who came to the country illegally as children but have work permits and are not threatened with deportation to serve if they qualify for the Military Accessions Vital to National Interest (MAVNI) program.

The initiative currently lets in a certain number of non-citizens with specific language and medical skills to join the military and gain a path to citizenship. Pentagon officials in recent weeks had said they hoped to widen the program, allowing more young illegal immigrants to sign up.

The White House, though, asked the DOD to stop the expansion effort in the hopes that Republicans will act on immigration.

Even with the delay, Durbin said he wanted the Pentagon program to be broader, calling the proposal "inadequate."

"MAVNI is not a large enough program to absorb all of the talent" offered by illegal immigrants, Durbin told reporters.

"It's a start but it's a very modest start," he said. "I would like to see a much grander approach."

Last month, Durbin suggested he might add an amendment to the Senate's version of the 2015 defense

authorization bill that would grant legal status to young illegal immigrants who serve honorably in the military.

Durbin told reporters he would hold his fire on attaching the measure, commonly known as the ENLIST Act, to the defense policy bill "so that there isn't an excuse from these House Republicans of going our own way."

However, he noted, "there's an appropriations bill, too."

Durbin, who is chairman of the Senate Appropriations Defense subcommittee, said the panel would try to take up its spending bill around the first week of July.

Travel Industry Pushes For Poland To Join Visa Waiver Program

By Vicki Needham

[The Hill](#), June 4, 2014

The U.S. travel industry used President Obama's European trip to make another push for passage of legislation that would let Poland into the Visa Waiver Program.

The measure, the JOLT Act, has a mix of Republican and Democratic support with nearly 160 House co-sponsors, and would more broadly help smooth travel in and out of the United States, especially for international travelers.

"The president has signaled that he would like the U.S. to cement economic and security ties to Poland, and there is a quick and easy avenue available for achieving that: admitting Poland to the Visa Waiver Program," said U.S. Travel Association President and CEO Roger Dow.

"We ask the president to prioritize action on the bill, and call on House leaders to heed the huge bipartisan support for this measure and move it forward."

The bill also would clear the way for several more nations to join the program, which allows visa-free travel to the U.S.

There are 38 countries in the program, many of which are in Europe. Chile was the latest to join in March.

There also is bipartisan Senate support from Sens. Barbara Mikulski (D-Md.) and Mark Kirk (R-Ill.), who both introduced a bill more than a year ago that would bring Poland into the fold.

Dow noted that Obama recently reemphasized his goal of attracting 100 million international visitors to the U.S. annually by 2021.

"The JOLT Act is a key ingredient in the recipe of policies that's going to make that possible," he said.

Obama was in Warsaw on Tuesday where he met with Polish leaders and will mark the 25th anniversary of the country's first post-communist elections.

"Washington leaders constantly cite promoting inbound travel as a critical tool for both economic and foreign policy, and visa waiver expansion is a proven, effective means for boosting international visitation to the U.S.," Dow said.

"Poland has long been among the strongest candidates for the program, and the move would dovetail with some of the objectives President Obama has laid out on his European trip."

US COAST GUARD

Official: Sailor's Body Found In San Francisco Bay

[Associated Press](#), June 4, 2014

SAN FRANCISCO (AP) – The body of a sailor whose boat sank near the Golden Gate Bridge was recovered Tuesday, officials said.

The Marin County Sheriff's Office identified the sailor as Andrew Henry Ewing, 31, of Sacramento.

Ewing had set course for the Philippines just hours before the U.S. Coast Guard received a distress signal, officials said.

The lone passenger on a 30-foot sailboat named the Alma, Ewing set out from a dock in Alameda on Sunday.

Early Monday, the Coast Guard received an alert from the sailboat that sank off the rocks near the Golden Gate Bridge and prompted a search.

Deputies said Ewing's body washed ashore on the southwest side of Angel Island, where a U.S. Coast Guard helicopter crew spotted him Tuesday.

The body was taken to a Coast Guard station and turned over to the Marin County coroner. Fingerprints were used to confirm his identity.

The coroner's office said it will continue to investigate, but foul play was not suspected.

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Body Found Near San Francisco's Golden Gate Bridge After Sailboat Mishap

By Madeleine Thomas, Reuters

[Reuters](#), June 4, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Coast Guard Finds Body Near Angel Island

[San Francisco Examiner](#), June 4, 2014

The Coast Guard has discovered a body near Angel Island, but has not yet determined if it is associated with the ship that sank yesterday near the Golden Gate Bridge.

The Coast Guard began searching for persons in the water around 4:15 a.m. Tuesday after receiving a distress signal from a 30-foot sailing vessel named Alma. The boat

washed up on the rocks in Yellow Bluff, just north of the Golden Gate Bridge, where it later sunk.

The Southern Marin Dive Team and National Park Service are aiding in the search for possible persons in distress.

The search continues as the Coast Guard determines if the body has to do with yesterday's case or any other case.

"We are using every asset available to locate any possible persons in distress," said Cmdr. Donald Montoro, Coast Guard Sector San Francisco chief of response. "We are asking the public if they have any information on the Alma or its operator to contact the Sector San Francisco Command Center at 415-399-3520."

Sacramento Man Identified As Sailor Killed After Boat Sunk In Bay

By Rick Hurd Contra Costa Times

[Contra Costa \(CA\) Times](#), June 4, 2014

Officials said that a body found in the Bay on Tuesday morning was that of a Sacramento man who went missing after he set sail across the Pacific Ocean on Sunday evening.

Officials identified the body found Tuesday morning near Angel Island as Sacramento resident Andrew Henry Ewing, 31. Officials said he had radioed in a distress call around 4:20 after setting sail from Alameda on Sunday evening.

Information from the boat's Emergency Personal Indicator Radio Beacon and its GPS tracker helped the Coast Guard determine that the boat, named Alma, left the Grand St. Marina in Alameda en route to Hawaii.

According to the Coast Guard, the Alma sank near the Yellow Bluff area near the bridge. It was not known immediately if anyone else was on the boat, which later sank.

Ship Officers Agree Speed, Fog Factor In Collision

By Michael Graczyk, Associated Press

[Associated Press](#), June 4, 2014

GALVESTON, Texas (AP) – The captain of a tugboat whose barge collided with a cargo freighter in the Houston Ship Channel said Tuesday the larger vessel increased its speed in foggy conditions and she couldn't maneuver quickly enough to avoid the crash.

The pilot guiding the freighter said he never heard earlier radio traffic from the tug, did not expect it would cross in front of his vessel and did not see the other boat until it was too late to avoid a collision.

No one was hurt in the March 22 accident being examined by federal officials at a weeklong hearing, but nearly 170,000 gallons of oil spilled into the busy waterway between Texas City and Galveston and then into the Gulf of

Mexico. Traces of the oil were found as far as 200 miles down the Texas coast.

"That's what really threw me: his speed's increasing," Capt. Kelli Hartman said responding to a question from John Furukawa, with the National Transportation Safety Board. "And I'm thinking, 'Oh no, this ain't looking good.'"

She said she radioed the pilot of the cargo ship Summer Wind and "gave him a chance to save face."

"His response was he was too close and it wouldn't have done no good," Hartman told Coast Guard Lt. Cmdr. Teresa Hatfield, the lead investigator.

Capt. Michael Pizzitola, whose fellow Houston Pilots Association members are brought aboard ships offshore to guide them into the port, agreed Hartman wanted to know if he could slow his ship, "but it's not going to help," he said.

"I lose maneuverability of the ship," he told the panel. "If I got down to dead slow, I lose most of my steerage when you go to a flood tide like that. That is the only reason I kept her up on full."

Hartman, at the helm of the Houston-based Kirby Inland Marine tugboat Miss Susan, said she would have had time to cross the channel pushing two barges but was surprised to see on electronic tracking devices that the freighter had increased its speed from 10 knots, or about 11½ mph, to 12 or 13 knots. The situation was exacerbated by fog, the flood tide current and the presence of two other vessels in the waterway.

"I did everything I could to get out of his way," said Hartman, who's spent more than three decades on boats.

Pizzitola, with more than 40 years of experience, insisted his speed was necessary to maintain steering on a day when the currents were stronger than usual, but acknowledged a portable electronic navigation device was malfunctioning, that he wasn't monitoring all usual radio channels where transmissions about Hartman's tug and barges were broadcast and was immersed in using the radar on his ship to guide it into the channel.

When Hartman called him, the tug was less than eight-tenths of a mile ahead. Then he emerged from a fog bank, a "ghost fog," he called it.

"I hollered, 'Hard to starboard, full astern,'" he said. His ship would have required at least a mile to stop, Pizzitola said.

His next command: "Stop engines," he said. "The collision happened."

The accident also snarled traffic for five days along the ship channel, which serves the nation's largest petrochemical complex.

The panel led by Hatfield is gathering information to determine a cause for the collision and make recommendations to keep it from happening again.

The tug and its two barges were leaving Texas City and heading for the Intracoastal Waterway. The Summer Wind

was heading inbound through the Houston Ship Channel. The collision happened when the barges made a left turn to enter the Intracoastal Waterway and were crossing the ship channel.

Kirby has said in court filings the Summer Wind was speeding and being operated in a reckless manner, while Liberia-based Sea Galaxy, owners of the Summer Wind, has said the collision wasn't its fault.

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Ship Pilot Didn't Hear Tug's Location Broadcast

By Harvey Rice

[Houston Chronicle](#), June 4, 2014

GALVESTON – In the moments before a bulk carrier and barge collided in the Houston Ship Channel, causing a major oil spill, the carrier's pilot didn't hear the captain of the tugboat pushing the barge broadcast her position and intention to cross the channel ahead of his vessel.

The pilot, Michael Pizzitola, acknowledged in testimony at a hearing Tuesday that he had failed to monitor a Coast Guard-required radio channel over which the tugboat captain broadcast crucial information.

The bulk carrier Summer Wind and the tugboat Miss Susan collided on March 22, leading to the largest oil spill in Galveston Bay in two decades. Pizzitola, and the Miss Susan's captain, Kelli Ann Hartman, testified in the second day of a hearing on the cause of the accident, which spilled 168,000 gallons of thick fuel oil into Galveston Bay.

Hartman testified that the Summer Wind unexpectedly increased its speed, throwing off a course calculation that would have allowed her tugboat to push its two oil-filled barges out of the path of the oncoming vessel. Hartman said she took the helm from a pilot 45 minutes early because she wanted a more experienced hand in charge due to foggy conditions in an area of ticklish navigation.

The Miss Susan was pushing its barges into a marine intersection known as the Texas City Y where traffic intersects from the Port of Texas City, the Gulf Intracoastal Waterway and the Houston Ship Channel.

The Miss Susan was moving from the Port of Texas City, behind the Texas City Dike, where the Intracoastal crosses the Houston Ship Channel. Hartman intended to cross the channel and follow the Intracoastal to its channel behind the Bolivar Peninsula.

The Summer Wind was heading to the Port of Houston to take on cargo, Pizzitola said. Hartman said the Miss Susan was near the end of the Texas City Dike and preparing to head across the Ship Channel when she took the helm.

Hartman calculated that at the Summer Wind's speed, she had time to cross the Ship Channel with a half-mile to spare. But those calculations went awry when the Summer Wind increased speed from 10 knots to 12 knots. Concerned, Hartman said she radioed the Summer Wind to make sure her tug was seen. "Hey, I'm crossing, how do I look on your plotter?" Hartman recalled saying.

Hartman asked the ship to slow down. "His response was he was too close and it wouldn't have done no good," Hartman said.

Hartman put her engines in reverse and tried to turn to starboard to avoid a collision, but the momentum of the barges pulled the Miss Susan ahead.

The Summer Wind struck one of the barges dead center in the middle of the Ship Channel.

Pizzitola testified that he was hired to pilot the Nigerian-flagged bulk carrier into the Port of Houston. Unlike Hartman, Pizzitola gave commands to a quartermaster who steered the ship. Pizzitola testified that he did the best he could under the circumstances.

Pizzitola said he didn't know the Miss Susan was a threat until he saw the vessel on radar less than a mile away. He said a navigational aid known as a portable pilot unit, which he later said was faulty, showed the Miss Susan traveling at 3.5 knots, so slow that he believed Hartman was hanging back to let him pass by.

"When I seen her I knew she was a threat right then, but I was sure she wouldn't cross at 3.5 knots," he said.

Pizzitola said his first communication with the Miss Susan came when Hartman called to warn him that the ships were getting too close. He slowed the ship at first, then sped up because it was the only way he could keep control in the current, Pizzitola said.

The Miss Susan was a ship length away when it appeared out of the fog, he said. He turned hard to starboard and backed full astern, but it was too late.

Under questioning by Hartman's attorney, Glen Goodier, Pizzitola admitted that he had failed to monitor marine channel 12 as required by the Coast Guard. Hartman had broadcast her position and her intent to cross several times on Channel 12. Pizzitola conceded that he missed hearing the positions of other vessels in the area.

Pizzitola also was questioned by a National Transportation Safety Board investigator for his failure to use the names of vessels when communicating. Pizzitola said he couldn't pronounce the names of some foreign vessels and his habit was to address them as inbound or outbound vessel.

The investigator pointed out an NTSB finding that the failure to use ships' names contributed to accidents. Pizzitola did not concede that his failure to listen to the proper channel or use ship names contributed to the collision.

The resulting spill soiled beaches on the Texas City Dike and the Big Reef on Galveston Island.

Coast Guard Seeking Answers In Deadly Boating Accident

[Chicago Tribune](#), June 4, 2014

The boat had set out from Burnham Harbor to New Buffalo, Mich., with six people on board early Saturday, a day that paired some of the year's most summerlike air temperatures with water still warming after a punishing winter.

After two of its passengers disembarked, the remaining four began their trip back to Chicago. Around 7 p.m., something happened that caused it to capsize, throwing the four into the water, officials said.

It would be nearly 12 hours before a survivor, a man roughly 30 years old, was spotted, adrift on lifejackets about 6 miles off Chicago's shoreline and clutching a piece of the boat that is believed to have sunk, somewhere.

The fate of the other three — one of them dead, and the others missing — would hit a Chicago-area law firm feeling the loss of a woman who was a rising star both at the office and in her own family and leave a father clinging to hope that a son might still come home.

There was thus far no indication of foul play during Saturday night's deadly accident, officials said Monday, no history of problems with the 33-foot-long motor boat, and no clear signs of what caused it to take on water or why there was no call for help.

"What we know is that an alarm panel went off and then the electrical and the engine stops working," said Coast Guard spokesman Lt. Brian Dykens.

Investigators hope the survivor, who was being treated at Mercy Hospital and Medical Center, will remember any "obvious landmarks" he saw because crews still don't know where the boat sank, Dykens said.

"I doubt he was quick enough to look up a latitude and longitude during a time like that," Dykens said.

The Coast Guard searched into Sunday evening for Orest Sopka, 30, and the other, unidentified missing passenger, but suspended operations after covering 1,600 square miles, according to U.S. Coast Guard spokesman Levi Read.

Passenger Ashley Haws, 26, was found unconscious a few hours after the survivor but later died of hypothermia, according to an autopsy Monday.

The overall average surface water temperature on the lake over the weekend was about 47 degrees, but a buoy positioned in the southern portion of the lake registered temperatures closer to 60 degrees, according to data compiled by the CoastWatch Great Lakes Program.

Haws had gotten her law degree just two years ago and landed a job at a small firm in Chicago that specialized in

family issues. "She was very happy in her work, very," said her grandmother, Shirley Haws.

"It's not been easy," said Shirley Haws, 82. "She was a wonderful girl. ... very passionate about people, loved children."

Haws' law firm, the Davi Law Group, released a statement calling her "a beautiful and brilliant rising star in the legal community."

"The law profession and the world have lost someone that was destined to do great things," the firm said in its statement.

Haws grew up in Green Bay, Wis. and graduated with a law degree from Valparaiso University. On her LinkedIn page, Haws noted that she was "only the second person from her entire immediate and extended family to attend college."

Haws worked for the Center for Humans and Nature, a nonprofit organization with offices in Chicago and New York, and served as a clerk for Lake County Judge Kathleen Lang before joining Davi.

As a child, Haws would always swim in the lake near her grandmother's house. "She was like a fish, swimming all the time," Shirley Haws said. "She was very good with all the other children I was watching."

Haws was friends with Sopka, one of the missing passengers. They played together on a soccer team in Chicago, according to one of their teammates, Chad Riley, who said Sopka, Haws and others were taking a day trip to New Buffalo on Sopka's sleek motor boat.

Myron Sopka didn't find out until Monday morning that his son was among the missing. He has been told that Orest went to the engine room while the other passengers jumped into the water.

"It happened so fast, so nobody knows whether he got out from the engine room. He is still missing," Sopka said. "They didn't find his body. I am hoping he is still alive somewhere."

Sopka grew up in Parma, Ohio, and was passionate about the water and boating, his father said. He bought the boat about two years ago and also has a scuba diving license.

"There were lots of times I called and he said he was on the boat," said Sopka. The last time he spoke with his son was Thursday.

Orest Sopka graduated from Carnegie Mellon with a degree in operational research and a minor in computational finance, Sopka said.

After graduation, he worked at a banking job for a year before moving to Chicago to work as a trader. He recently accepted an offer to become a partner at a firm in Chicago, his father said.

"What he was doing as far as trading and stuff, he was very sharp," Myron Sopka said. "He liked his job a lot."

By Sunday night, the Coast Guard had called off its search for the boat's owner, Orest Sopka, and a 27-year-old woman who remain missing.

Amid the accident's loss, there was also heroism.

Fishing boat captain Joel Reiser said he left the 31st Street Harbor about 40 minutes late Sunday morning and decided to head farther south than he originally planned. About 6 miles out, he spotted something on the horizon, possibly an orange kayak.

"We slowed up the boat, we look around and we actually saw somebody's head in between, it was actually four PFDs (lifejackets)," said Reiser. "We spun around, we went there, he yelled for help, we threw a life ring to him and we brought him into the boat."

"We covered him up with blankets and immediately called the Coast Guard," he added.

New International Bridge Project In Detroit Wins Final Permit From Coast Guard

By By Todd Spangler And John Gallagher, Detroit Free Press Staff Writers

[Detroit Free Press](#), June 4, 2014

Wasting no time after a judge cleared the way, the Coast Guard issued the last permit needed for construction of a new, government-owned international bridge from Detroit to Windsor that could put thousands of people to work in southeast Michigan and revitalize the trade corridor with Canada.

Word of the Coast Guard permit came today, even though the agency apparently issued the permit as early as Friday, the same day a federal judge overruled an objection from owners of the rival Ambassador Bridge.

While several issues still need to be worked out, the permit is a key step forward. Property on both sides of the border still must be acquired, and funding for a new customs plaza on the U.S. side still must be addressed by Congress or Canada.

"We have all the permits in place now," Gary Doer, Canada's ambassador to the U.S., told the Free Press. "Every time we run into a speed bump on this bridge, we've found a way to get around the obstacle. We see this as very good news today."

The latest speed bump came in the form of a lawsuit filed by the Moroun family, which controls the 84-year-old Ambassador Bridge. Arguing that the proposed New International Trade Crossing (NITC) would consume up to three-quarters of the older bridge's truck traffic and destroy their own plans for a second span, the Moroun family's Detroit International Bridge Co. asked a federal judge to block the Coast Guard from issuing the permit. She decided against Moroun and also ruled that the Coast Guard was within its rights to hold up Moroun's own permit for his proposed span.

Last Friday, as the Free Press first reported, U.S. District Judge Rosemary Collyer in Washington ruled that Manuel (Matty) Moroun and his family hadn't adequately shown that issuance of the permit by itself would inevitably cause irreparable harm to their business.

There are still numerous hurdles for the NITC, including solidifying funding for a \$250-million customs plaza on the U.S. side.

Michigan and Canadian leaders — with the support of Gov. Rick Snyder — have been lobbying for the customs plaza money in Washington. Also, purchasing land on the U.S. side has been slow, in part because of the ongoing court case. But the court ruling and issuance of the navigation permit could break the logjam.

The Detroit International Bridge Co., which claimed it held an exclusive franchise on an international bridge between Detroit and Windsor because of acts of Congress and the Canadian Parliament in the 1920s, had no comment on the development. But in late April, Matthew Moroun, the DIBC's vice chairman and Matty Moroun's son, said if the rival crossing got "all their approvals — and this is the final one — before we do, they've won."

The Coast Guard refused to give the Ambassador Bridge a permit for another span, noting the city of Detroit had refused to sign off on certain rights to cross over Riverside Park.

But the Morouns argued in court that their own permit for a second Ambassador Bridge span had been unfairly held up purely out of deference for the NITC span, which has support from governments on both sides of the border. The NITC would be completely financed by the Canadian government, which would be paid back with future bridge tolls.

Canada and its American partners — which have grown to include the Michigan governor's office, the Federal Highway Administration and more — have argued for the need for a new bridge for years, despite the bridge company's claims that traffic projections don't warrant a new bridge.

Many powerful businesses — including metro Detroit automakers — have backed plans for a new bridge as well, with their plants counting on just-in-time deliveries of materials on both sides of the border.

"This is very good news. The project is on track, and this is an important step in making the NITC a reality, which means jobs for Michigan families and greater economic security for our state and nation," said Ken Silfven, a spokesman for Snyder. Additional Facts

What's next for the new bridge

- Property acquisition: Canadian government must acquire needed property on U.S. side.

- Customs plaza: U.S. officials have not yet committed to pay for the \$250-million plaza, though state and Canadian officials are pressing them to do so.

- Construction, operation: A contract will have to be let to design, build and ultimately operate the bridge about 2 miles downriver from the Ambassador Bridge.

- Court actions: NITC supporters and the Michigan and Canadian governments would have to fend off any future lawsuits attempting to block the bridge.

Coast Guard Issues New Detroit-Canada Public Bridge Final Permit

By Mark Hicks, The Detroit News

[Detroit News](#), June 4, 2014

The Coast Guard has issued a required permit for a publicly owned bridge from Detroit to Canada — clearing another key hurdle in the high-profile project.

"It's yet another milestone in this very critical project," said Ken Silfven, a spokesman for Gov. Rick Snyder, who backs the bridge.

"We're very pleased with the progress being made and looking forward to the NITC becoming a reality. It has enormous implications for the U.S. and Canada."

Christopher Yaw, a public affairs specialist with the Ninth Coast Guard District, confirmed the permit had been issued Friday. Additional details weren't immediately available Tuesday night.

The permit was issued the same day a federal judge rejected a legal motion to force the Coast Guard to issue a permit to Ambassador Bridge owner Manuel "Matty" Moroun for his proposed twin six-lane span alongside the Ambassador Bridge.

The approval means the early phase of the project, which is backed by the Canadian government, is over and paves the way for securing funds for a U.S. customs facility and acquiring land on the American side, Canada's Globe and Mail reported Tuesday.

Gary Doer, Canada's ambassador to the U.S., expressed delight over the latest developments in the Globe and Mail article.

"We now have the presidential permit, signed off on by nine (federal) agencies in the U.S. We have the Coast Guard approval and the court case dismissed," Doer said.

"We continue to work on taking the agreement we have with Michigan and moving forward on the completion of this project, but there's obviously still work to do on the customs plaza."

The Coast Guard's role is to ensure the project meets the navigational requirements of the waterway, Yaw said.

Moroun's bridge company has been fighting efforts by the state of Michigan and the Canadian government to construct the bridge across the Detroit River that it insists will

harm the 85-year-old Ambassador Bridge's business. In court filings, the company argued it needs to build a second span across the Detroit River to handle traffic while it repairs the Ambassador so it can compete with the publicly financed bridge.

The Canadian government doesn't expect to complete construction of the new bridge for at least another decade. The bridge could take even longer to finish because the Obama administration has failed to propose \$250 million for building a Detroit customs plaza in its annual budget plan. The Canadians plan to spend \$2.1 billion buying land and for ramps and highway connections.

Moroun's legal team argued the Coast Guard's failure to issue a navigational permit for its proposed twin span inflicts "irreparable harm" on the bridge company. But in her opinion Friday, U.S. District Judge Rosemary Collyer said Moroun couldn't prove he would be hurt because building of the publicly financed bridge "is by no means imminent or inevitable" since there is still legislative and regulatory maneuvering that could stop construction.

The judge also rejected Moroun's contention that the Coast Guard's decision exceeded its regulatory authority.

The Coast Guard has decided not to issue a navigation permit for Moroun's proposed second bridge until it purchases the air rights over the land in Detroit where it would build the second span — something the city has rejected.

In a statement Friday, Mickey Blashfield, director of government relations for the Detroit International Bridge Co., said: "We respect the Court's determination that our motion was premature as the NITC bridge is simply too uncertain at this time. We will continue to work toward construction of a new Ambassador Bridge span and await the processing and consideration of our remaining claims in this action."

Mounties Team Up With Coast Guard To Patrol Waterways

[USA Today](#), June 3, 2014

Sgt. Mike Fox of the Royal Canadian Mounted Police hears the same thing from nearly every American he encounters: jokes about Dudley Do-Right, the good-natured but befuddled cartoon Mountie who is forever trying to foil the villain Snidely Whiplash.

But the real Mounties (RCMP) have forged a friendship with their American counterparts to foil bigger criminals than the mustachioed cartoon scoundrel.

Through a program known as Shiprider, members of the U.S. Coast Guard have joined forces with RCMP officers to patrol the waterways that form a large part of the world's longest international border.

Instead of each country having officers patrolling their side of the border, officers from the two countries are riding

together. The concept cuts the cost of patrolling the waterways and makes it possible for the officers to go back and forth across the boundary to pursue criminals, which couldn't be done before, said Coast Guard Lt. Shannon Scaff, course chief for the Shiprider training program.

Officials from the two countries signed an agreement in April to make the program part of standard procedure.

Personnel from both forces have been training at a Coast Guard facility in Charleston, S.C. It's a long way from the northern border, but it's the Coast Guard's only maritime law enforcement academy, Scaff said.

To become certified, officers must learn the other country's maritime laws.

Then, they are evaluated on how they respond to a scenario with professional actors playing the role of narcotics smugglers, Scaff said.

"We've always enjoyed a very good relationship with the Royal Canadian Mounted Police, but now that we're working together, training together, that's a huge benefit.

Coast Guard Lt. Shannon Scaff, Shiprider course chief "For this phase, we increase the stress level exponentially," he said.

Although the program is just now becoming standard procedure, it was tested during the Super Bowl in Detroit in 2006, said former U.S. Ambassador to Canada, David Wilkins.

"It was a real thrill to see a boat going up the Detroit River, with Canada on one side and Michigan on the other, and they had an American and a Canadian flag flying on the boat," he said.

"I don't know how many countries have something like this, but I would imagine it's rare," Wilkins said. "And I think it's just a shining example of the friendship and closeness of the two countries."

Since then, Shiprider officers have made 605 vessel boardings, confiscated 2,800 pounds of smuggled bulk tobacco, 1.2 million cigarettes, and 103 pounds of marijuana, Scaff said.

The program also was used during the 2010 Winter Olympics in Vancouver, he said.

When arrests are made in Canadian waters, the RCMP takes the lead role, and the Coast Guard is the lead agency in American waters, Scaff said.

There's no problem with cultural clash, especially after officers from both sides get to know each other well during training, he said.

"We've always enjoyed a very good relationship with the Royal Canadian Mounted Police, but now that we're working together, training together, that's a huge benefit," Scaff said.

"We can do twice the job with half the resources," said Fox, who is the lead trainer from the Mounties.

Dudley Do-Right couldn't have said it better.

US Releases Boat To China After Illegal Fishing

[Associated Press](#), June 4, 2014

ANCHORAGE, Alaska — A 191-foot fishing boat suspected of using an illegal high seas drift net to catch a half-ton of salmon in the North Pacific was detained by the U.S. Coast Guard last week and turned over Tuesday to Chinese authorities.

The Yin Yuan was spotted by a Canadian aircraft hosting Japanese observers. It was seized by the Honolulu-based U.S. cutter Morgenthau, which was carrying two Chinese law enforcement officials.

"All these countries are affected by illegal activities," said a Coast Guard spokesman, Petty Officer 2nd Class Grant DeVuyst.

High seas drift net fishing kills huge amounts of fish, birds and marine mammals with nets suspended for miles. The practice is universally condemned, according to the Coast Guard, and is a significant threat to ecosystems.

A Canadian CP-140 maritime patrol aircraft May 22 spotted the Yin Yuan in the North Pacific on May 22. The vessel was carrying equipment associated with large-scale illegal drift net fishing, including net, net buoys and net spreader on deck.

The Morgenthau, a 378-foot Honolulu-based, high-endurance cutter, was patrolling the North Pacific in support of fisheries law enforcement and was carrying two officials from the China coast guard's Fisheries Law Enforcement Command.

The Morgenthau intercepted the Yin Yuan on May 27 about 625 miles east of Tokyo, near where it was first spotted from the air, DeVuyst said. The vessel's captain told a boarding team that the Yin Yuan was registered in China.

The captain acknowledged carrying 3.3 kilometers (2.05 miles) of nets onboard. He also said the crew had dumped drift nets and other gear overboard before the cutter approached.

The vessel, according to the Coast Guard, used prohibited fishing gear, failed to maintain sufficient catch records and fished with no authorization by a sanctioned authority. The Coast Guard also noted pollution problems.

The Morgenthau escorted the Yin Yuan more than 1,400 miles to a China coast guard vessel in the East China Sea.

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SECRET SERVICE

Secret Service Wants Software That Detects Sarcasm On Social Media. (Yeah, Good Luck.)

By Katie Zezima

[Washington Post](#), June 4, 2014

The Secret Service is looking to buy software that can spot sarcasm on social media.

Yeah, good luck with that.

The agency wants to buy software that, among other things, has the ability to "detect sarcasm" and language that may mean something different than it appears on first glance.

Government agencies and corporations have long used social media to try to influence the public and get their messages out, while law enforcement agencies increasingly monitor such sites for signs of trouble.

But getting a computer to detect sarcasm and its linguistic complexities can be difficult — and some experts worry at the prospect of attempts to parse speech by a government agency that has the power to arrest people for posting alleged threats online.

"It does appear that it's going to be a pretty broad monitoring program. It will likely sweep in some First Amendment protected expression," said Ginger McCall, associate director of the Electronic Privacy Information Center (EPIC). "It is troubling, because it really stifles peoples' ability to freely express themselves and it has a tendency to quell dissent to make people think twice before they express themselves online."

The Secret Service request for the software, first reported by nextgov.com, was posted Monday. The agency is accepting proposals until Monday.

The work order asks for a long list of specific tools, including the ability to identify influential figures on social media, analyze data streams in real time, access old Twitter data and use heat maps. (It also wants the software to be compatible with the five-year-old Internet Explorer 8 browser — a sign of the government's outdated technology.)

Secret Service spokesman Ed Donovan said the request would allow the agency to create its own system for monitoring Twitter — both its own presence in social media and important issues that are trending on the social network. Detecting sarcasm is just a small feature of the effort, he said.

"Our objective is to automate our social media monitoring process," Donovan said. "Twitter is what we analyze. This is real-time stream analysis. The ability to detect sarcasm and false positives is just one of 16 or 18 things we are looking at."

Donovan said the software would find topics trending on Twitter that are important to the agency, such as in 2009, when some inauguration ticketholders were trapped inside a tunnel under the Capitol and unable to get through security gates. He said the agency currently uses the Twitter analysis program used by the Federal Emergency Management Agency, but needs its own.

The Secret Service has been dogged by controversy over its agents' behavior, particularly in overseas locales,

including a prostitution scandal in Cartagena, Colombia, in 2012. It issued requests last month for media consultants to help agency leaders talk to the news media.

Companies use algorithms that attempt to detect sarcasm online or over the phone in measuring things such as customer satisfaction, said Lisa J. Sotto, a managing partner of Hunton and Williams in New York, who focuses on cybersecurity. Last year, French software firm Spotter said it had developed a tool that detects sarcasm for clients including the British Home Office and the European Commission.

Peter Eckersley, technology projects director for the Electronic Frontier Foundation, thinks the Secret Service effort will fail because computers can't grasp the nuances of language.

"It's difficult not to be sarcastic about the idea of the Secret Service automatically, algorithmically, examining all of your social media posts to determine, among other things, that you're being sarcastic," Eckersley said.

Sarcasm can also get you in trouble.

A Texas teenager was arrested last year after posting what he said was a sarcastic comment about shooting up "a school full of kids" on Facebook. A Twitter user was arrested in the Netherlands in April after tweeting what she claimed was a joke bomb threat to American Airlines.

In 2012, an Irish man and a British woman traveling together were taken into custody by Homeland Security agents at Los Angeles International Airport after the man tweeted that he planned to "destroy America" and that he planned to be "diggin' Marilyn Monroe up!" The man said "destroy" was slang for partying.

"There is a reason why they want to do this," Eckersley said. "There have been regular, tragically documented instances where a human being whose crime is being too funny winds up with a pile of agents pointing guns at them and arresting them because they made a joke."

EPIC sued the Department of Homeland Security, which oversees the Secret Service, for records on its social media monitoring efforts in 2011. The documents showed that analysts were instructed to create reports on certain "items of interest" found in social media searches, including policy directives and debates related to the department.

A House panel also held hearings after it was revealed that analysts combed Facebook and other social media sites for public sentiment about transferring Guantanamo Bay detainees to a prison in Michigan. McCall of EPIC said the agency updated its social media monitoring program after the lawsuit.

Snarky talk about politics or political figures can be extremely hard to discern because it is not immediately identifiable as positive or negative, said Gilad Lotan, chief data scientist at Betaworks, a start-up and venture capital company.

"Especially with these charged topics, people can be ironic, sarcastic and that throws all of the classification algorithms," Lotan said. "It makes it very hard to automate these systems."

Eckersley said many people treat Twitter as a public forum, but they think that Facebook is a forum for friends and family.

"It's kind of having a cop at your dinner table all the time," he said of the search for sarcasm, "and that cop isn't in on your jokes."

Secret Service' New Software Will Detect Sarcasm, Analyze Twitter Data

[TIME](#), June 4, 2014

Detecting sarcasm on the Internet can be a challenge even for humans who don't spend every waking minute on the web, so the Secret Service is saving itself some trouble by buying software that will detect sarcasm for the agency, according to a work order posted Monday.

That's not all: the new software will also track web surfers' feelings, mine their Twitter histories and perform several other functions related to collecting and analyzing vast amounts of Internet data, Nextgov reports.

The full list of software needs is easy to make fun of, especially with the witty use of irony, but when your job is to protect the president's life and watch for potential dangers, the ability to analyze sarcasm and weed out "false positives"—like dumb teenagers making joking threats—is probably worth the money.

Secret Service Wants A Sarcasm Detector

By Julian Hatten

[The Hill](#), June 4, 2014

The Secret Service wants to hire an Internet analysis company that can detect when people are being sarcastic.

In an online notice posted on Monday, the agency said that it was looking for a "social media analytics software tool" that could "detect sarcasm and false positives," among other features.

The service should also be able to analyze information in real time, search key words in multiple languages, represent trends in "heat maps" and graphs and divide up Web activity by audience and geography, the Secret Service said.

Companies applying for the five-year contract should be able to "visually present complex data in a clear, concise manner," "synthesize large sets of social media data" and "provide user friendly functionality to multiple staff members."

In addition to protecting President Obama and other top government officials, the Secret Service is also tasked with fighting efforts to counterfeit money and undermine the financial system.

An agency spokesman clarified to The Hill that the analysis tool is meant purely for the agency's public affairs efforts, not to monitor threats.

"We monitor news stories about the Secret Service, trends about the Secret Service, just like any other public affairs office would," Ed Donovan said.

Trying to detect sarcasm and scan for search terms, he added, is "an attempt not to drink from a fire hose of social media stuff, trying to filter it down and just synthesize all the data that we're looking at."

In recent years, much of the focus on protecting top government officials has turned to the Internet. The nature of social media sites like Twitter and Facebook, though, has made it easy for users to post seemingly harmless jokes that are interpreted as death threats.

For some offenders, that's led to jail time, even when they meant their post as a joke or wrote it while intoxicated.

Under the law, threatening the life of the president or other top governmental figures carries a sentence of up to five years in prison and a \$250,000 fine. However, the government does not necessarily need to show proof that the suspect actually intended to carry out the plot.

Secret Service Seeking Social Media Sarcasm Detector

[Washington Examiner](#), June 4, 2014

Do you fear the government misinterpreting your tweets as threats simply because of your sarcasm? (Full disclosure: That may or may not refer to me.)

Well, fear no more, because the Secret Service is looking for software that would be able to "detect sarcasm and false positives" on social media.

Of course, they also need the software to be compatible with Internet Explorer 8, so you can judge for yourself how effective it will be. Also, you should probably feel less safe knowing that the agency tasked with protecting the president, world leaders and other prominent figures is running an Internet browser from 2009 that is slow and unpopular.

Actually, that makes it the perfect browser for the federal government.

Ed Donovan, a Secret Service spokesman, told the Washington Post that the agency currently uses the Federal Emergency Management Agency's Twitter analytics but wants its own. He also said that detecting sarcasm wasn't the only thing the agency wanted in its monitoring system.

"The ability to detect sarcasm and false positives is just one of 16 or 18 things we are looking at," Donovan said. "We are looking for the ability to quantify[sic] our social media outreach."

There's no details about how much the agency is willing to pay for this software, but knowing the federal government,

it probably won't cost taxpayers much. (Detect that, Secret Service.)

Secret Service Software Will 'Detect Sarcasm' In Social Media Users

[NextGov](#), June 4, 2014

The Secret Service is purchasing software to watch users of social networks in real time, according to contract documents.

In a work order posted

on Monday, the agency details information the tool will collect – ranging from emotions of Internet users to old Twitter messages.

Its capabilities will include "sentiment analysis," "influencer identification," "access to historical Twitter data," "ability to detect sarcasm," and "heat maps" or graphics showing user trends by color intensity, agency officials said.

The automated technology will "synthesize large sets of social media data" and "identify statistical pattern analysis" among other objectives, officials said.

The tool also will have the "functionality to send notifications to users," they said.

A couple of years ago, the Homeland Security Department, the agency's parent, got in trouble with lawmakers and civil liberties groups for a social media program that would work, in part, by having employees create fake usernames and profiles to spy on other users.

A House Homeland Security Committee panel called DHS officials into a hearing after reports the department tasked analysts with collecting data that reflected negatively on the government, such as content about the transfer of Guantanamo detainees to a Michigan jail. The Electronic Privacy Information Center has sued DHS for more information on the program.

Employees within the Secret Service's Office of Government and Public Affairs will be using the new system, agency officials said.

Here is a full list of the software's required functions:

- Real-time stream analysis;
- Customizable, keyword search features;
- Sentiment analysis;
- Trend analysis;
- Audience segmentation;
- Geographic segmentation;
- Qualitative, data visualization representations (heat maps, charts, graphs, etc.);
- Multiple user access;
- Functionality to have read-only users;
- Access to historical twitter data;
- Influencer identification;
- Standard web browser access with login credentials;
- User level permissions;

Compatibility with Internet Explorer 8;
Section 508 compliant;
Ability to detect sarcasm and false positives;
Functionality to send notifications to users;
Functionality to analyze data over a given period of time;
Ability to quantify the agency's social media outreach/footprint;
Vendor-provided training and technical/customer support;
Ability to create custom reports without involving IT specialists; and
Ability to search online content in multiple languages.

TERRORISM INVESTIGATIONS

Prosecutors Detail Tsarnaevs' Actions After FBI Photos Released

By Milton J. Valencia And John R. Ellement, Globe Staff June 03, 2014 Article Comments Subscribe Back To Top Darren McColleston/Getty Images

[Boston Globe](#), June 4, 2014

Boston Marathon bombing suspects Tamerlan and Dzhokhar Tsarnaev picked up an arsenal of explosives and weapons from the family's Cambridge apartment to arm themselves for their "murderous spree" after the FBI published photos of them on April 18, 2013, federal prosecutors allege.

Within hours, MIT Police Officer Sean Collier was shot to death in Cambridge and Tamerlan Tsarnaev was fatally injured in a confrontation with police in Watertown in which the brothers used a handgun and hurled homemade bombs at officers, federal prosecutors said.

The details about the role the family's Norfolk Street apartment played in the Marathon terror attack were disclosed by US Attorney Carmen Ortiz's office in court filings. In the documents, prosecutors defended the search of that apartment and Dzhokhar Tsarnaev's dormitory room at the University of Massachusetts Dartmouth.

The two brothers allegedly committed the April 15, 2013, terror bombing in Boston that killed three people and injured more than 260. They also allegedly killed Collier on the night of April 18, 2013.

Tamerlan Tsarnaev was killed early on April 19, 2013, in the Watertown confrontation, shot by police and run over by his own brother as he fled in a car. Dzhokhar Tsarnaev was captured later that same day and is awaiting trial on charges that could bring him the death penalty.

Authorities learned the Tsarnaevs' identities only after Tamerlan Tsarnaev was fingerprinted at the hospital where he was taken after he died, prosecutors revealed in the filings.

Later that day, they closed down the Norfolk Street neighborhood and searched the apartment where the Tsarnaev family had lived for many years, including the time Dzhokhar had attended and graduated from Cambridge Rindge and Latin High School.

What authorities found has been largely kept under seal. But the new filing provides glimpses into what they found during two searches of the Cambridge address and three visits to Dzhokhar Tsarnaev's dorm room.

In the Cambridge apartment where Tamerlan Tsarnaev was then living with his wife, Katherine, authorities allege the brothers' weapons cache included at least six improvised explosive devices, a handgun, and "other weapons."

Among the 100 items taken from the Norfolk Street apartment, prosecutors said, was a Russian dictionary that "contained a prayer card bearing handwritten references to convicted terrorist Tarek Mehanna and the late al-Qaeda propagandist Anwar al-Awlaki."

Al-Awlaki was killed by a US drone strike in Yemen. Mehanna, a Sudbury native, was convicted in December 2011 of conspiring to provide material support to terrorists, conspiring to kill in a foreign country, and lying to authorities in a terrorism investigation. Prosecutors said Mehanna traveled with an associate to Yemen in 2004 to join a terrorist training camp and ultimately attack American soldiers in Iraq, but the plan failed.

He returned to the United States and began translating Arab-language materials into English and posting them online to promote Al Qaeda's ideology and inspire others to violent jihad. He is now serving a 17 1/2-year term in federal prison.

Investigators also recovered an e-mail Dzhokhar sent to his mother before the murder of Officer Collier.

In the e-mail, only a portion of which was made public, Dzhokhar told his mother that he loved her and ended with the promise that they would see each other

"Inshallah (i.e. God willing) if I don't see you in this life I will see you in the akhira (i.e. afterlife)," prosecutors wrote.

Prosecutors want US District Court Judge George A. O'Toole Jr. to allow them to use the evidence seized during the searches against Tsarnaev, who is facing the death penalty, and to reject a defense request to hold a hearing on how agents obtained the information.

Prosecutors also said that during the searches of the dorm room they seized a pizza box with a pizza receipt and two books, one entitled "Muslims in the West" and the other, "Soldiers of God." The pizza box proved he lived there, and the books may show his motivation, prosecutors said.

Six weeks after school ended in 2013, UMass Dartmouth personnel entered Tsarnaev's room and emptied it out while an FBI agent looked on. UMass Dartmouth, as landlords, were preparing the room for its next student, prosecutors said.

School officials collected 21 items that were then seized by the FBI, including a piece of gray plastic from an electronic remote control device, two notebooks with the name, "Timir Mugynov" and a single copper-colored BB pellet.

Feds: Dzhokhar Tsarnaev Emailed Mom Saying He Would See Her Again In Afterlife

[Boston Herald](#), June 4, 2014

Federal prosecutors said Dzhokhar Tsarnaev emailed his mother in the hours before the April 18 killing of MIT police officer Sean Collier and the predawn shootout in Watertown, saying he would see her in this life or the next one.

"He told her he loved her and ended with, 'Inshallah (i.e. God willing) if I don't see you in this life I will see you in the akhira (i.e. afterlife),' " federal prosecutors stated.

The statement is part of the government's arguments against a motion by Tsarnaev's defense lawyers who want evidence seized at the Tsarnaev family's Cambridge home tossed because he had an expectation of privacy.

The government fought back in a filing last night saying Tsarnaev did not live in Cambridge, but at his dorm at the University of Massachusetts Dartmouth, and his brother Tamerlan Tsarnaev had been served a "notice to vacate" the previous November. And, prosecutors say, when he sent his mother the email, "he did not expect to return alive, and thus abandoned his expectation of privacy."

Meanwhile, prosecutors revealed in a hearing yesterday, a college buddy of Dzhokhar Tsarnaev's identified the accused marathon bomber by name to a friend half a world away on a Russian social media site as the manhunt was still unfolding.

But Dias Kadyrbayev apparently never picked up the phone to call 911, prosecutors said.

Kadyrbayev's nearly three hours on the witness stand in U.S. District Court marked the first time the public has heard directly from any of the five young men now charged in connection with the April 15, 2013, terrorist attack that killed three marathon spectators and injured more than 260 others.

Kadyrbayev, 20, goes on trial Sept. 8 on charges he conspired to obstruct a terrorism investigation by tossing a backpack, laptop and fireworks that could link Tsarnaev to the crime. His lawyers want to suppress his statements, saying he did not cooperate with law enforcement willingly.

Prosecutors: Marathon Suspect Expected To Die

[Associated Press](#), June 4, 2014

BOSTON (AP) – Boston Marathon bombing suspect Dzhokhar Tsarnaev told his mother in an email days after the explosions that he expected to die, federal prosecutors said in court filings.

Tsarnaev wrote the email in the hours before the slaying of Massachusetts Institute of Technology police officer Sean Collier and the police shootout that took his brother's life, prosecutors said.

"If I don't see you in this life I will see you in the akhira," prosecutors say he wrote. In Arabic, akhirah refers to the afterlife.

Prosecutors filed the court papers Monday to argue against a motion by Tsarnaev's lawyers to suppress evidence seized from a Cambridge apartment where Tsarnaev once lived, as well as his University of Massachusetts-Dartmouth dorm room.

"These circumstances leave little doubt that when Tsarnaev left the Norfolk Street apartment on April 18, he did not expect to return alive, and thus abandoned his expectation of privacy in everything left behind," prosecutors wrote.

The U.S. attorney's office also argued that Tsarnaev had essentially moved out of the apartment and thus had no expectation of privacy. Prosecutors also denied the defense's contention that the search was overly broad.

Tsarnaev did not pay rent and was not on the lease, prosecutors said, and was instead living in his dorm room full time. Although he kept a few items in the Cambridge apartment, he has not demonstrated a reasonable expectation of privacy, they said.

Prosecutors also defended their searches of a laptop owned by the suspect, because he gave it away to a friend and never expected to see it again.

Tsarnaev, 20, has pleaded not guilty to several federal charges. Prosecutors allege he and his brother planted two pressure cooker bombs near the marathon's finish line, killing three people and injuring more than 260 others. His brother was killed during the gunbattle with police four days after the marathon bombing.

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Accused Boston Bombers Used Cambridge Arsenal In Final Fight: Prosecutors

[Reuters](#), June 4, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

College Friend Of Alleged Marathon Continues Testimony In Obstruction Case

[Boston Globe](#), June 3, 2014

A college friend of alleged Boston Marathon bomber Dzhokhar Tsarnaev was again subjected to cross-examination in federal court today by prosecutors questioning

his claims that his limited command of English kept him from understanding his rights when dealing with federal agents investigating the bombing.

Dias Kadyrbayev, 20, testified for a second day in a hearing in which he is asking a judge to throw out incriminating statements he made to the FBI that led to charges that he obstructed justice.

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The suppression hearing, which stretched over three days last month and the past two days, concluded before noon. Prosecutors said US District Judge Douglas Woodlock would likely not rule until the end of August, just before Kadyrbayev's Sept. 8 trial.

Kadyrbayev said on the witness stand today that his English was limited, though he admitted he sometimes did drug deals in English and had some friends who only spoke English.

Kadyrbayev also said he "suspected" but "did not know" that Tsarnaev was suspected in the Marathon bombings when, several days after the terror attack, he removed Tsarnaev's backpack from a University of Massachusetts Dartmouth dorm room and later threw it in a dumpster.

Speaking English with relative ease, despite a pronounced accent, Kadyrbayev, a Kazakh national, testified Monday that he was manipulated into giving the statements to the FBI.

But prosecutors, during cross-examination, attempted to portray Kadyrbayev as a chronic liar.

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Kadyrbayev's testimony has also painted a picture of an aimless young man failing courses, smoking and dealing marijuana, tricking professors, and crazy about cars.

Kadyrbayev's attorney, Robert Stahl, toward the close of the hearing, asked the judge to probe why Kadyrbayev did not get a message when he was being interrogated by the FBI that a public defender had left a message for him at a State Police barracks, seeking to represent him.

The judge said the lawyer's attempt to contact Kadyrbayev was irrelevant because it was Kadyrbayev's responsibility to ask for a lawyer and he allegedly never did, even after being informed of his Miranda right to a lawyer.

Kadyrbayev told agents that he, along with his roommate, Azamat Tazhayakov, 20, also from Kazakhstan, took Tsarnaev's backpack containing fireworks from his University of Massachusetts Dartmouth dorm room on the night of April 18, 2013, three days after the bombings, and threw it in a dumpster behind their apartment in New Bedford. Tsarnaev was on the run at the time.

Federal prosecutors have said gunpowder from fireworks was used in the two bombs that exploded at the Marathon.

A third Tsarnaev friend, Robel Phillipos, 20, was also allegedly present. While Kadyrbayev and Tazhayakov face

charges of obstruction of justice, Phillipos faces a lesser charge of lying to investigators. Tazhayakov's trial is slated for June 30, while Phillipos's trial is set for Sept. 29.

While lawyers for the accused have said they did not realize Tsarnaev was a bombing suspect, federal investigators told the Globe in May 2013 that Tsarnaev had told Kadyrbayev and Tazhayakov that he knew how to make a bomb and that Tsarnaev, Tazhayakov, and others had set off fireworks along the Charles River in Boston a couple of months before the bombings.

Tsarnaev, 20, along with his late brother, Tamerlan, is accused of planting the bombs that exploded on April 15, 2013, near the Boston Marathon finish line, killing three people and injuring more than 260 others. Prosecutors say the two brothers also killed an MIT police officer.

Dzhokhar Tsarnaev is in federal custody, awaiting a trial on charges that could bring him the death penalty.

Did FBI Dupe Boston Bombing Witness?

[USA Today](#), June 3, 2014

BOSTON — A five-day hearing that wrapped up Tuesday will determine whether potentially self-incriminating statements made by Dias Kadyrbayev, a friend of the Boston Marathon bombing suspect, will be admitted at Kadyrbayev's Sept. 8 trial.

No ruling was issued Tuesday, but the hearing did provide insights into the lives of the Russian-speaking, pot-smoking college students who comprised bombing suspect Dzhokhar Tsarnaev's close circle of friends.

Kadyrbayev, the 20-year-old Kazakh national facing up to 25 years in prison on obstruction of justice charges, testified Tuesday that he had suspected his friend was behind the April 15, 2013, bombings that left three dead and more than 260 injured.

That's why he allegedly disposed of Tsarnaev's backpack, which contained fireworks emptied of their explosive powder.

"You suspected he was the bomber, correct?" Assistant U.S. Attorney Stephanie Siegmann asked.

"Correct," Kadyrbayev said.

Kadyrbayev did not say what, if anything, he knew about Tsarnaev's activities and potential motives in the run-up to the bombings. But because Kadyrbayev faces criminal charges of his own, the world might never find out.

"He has a Fifth Amendment privilege against self-incrimination," said David Frank, editor of Massachusetts Lawyers Weekly, which covers local legal affairs. "I would be extremely surprised if the day ever came when he would be on the witness stand testifying in the Tsarnaev trial."

After the hearing, Kadyrbayev attorney Robert Stahl said it's too soon to surmise what he knew about Tsarnaev's activities.

"I think you have to wait to hear the complete evidence about that before anything is concluded," Stahl said. "There's a lot more to come."

Kadyrbayev's comments came as prosecutors questioned his claims that he didn't understand his rights before talking with FBI agents for more than four hours on the day Tsarnaev was captured. On the stand, he answered questions about his life in the United States and about documents he signed regarding his rights.

What surfaced was a picture of Kadyrbayev's life as a partying teenager and small-time drug dealer who drove a BMW, sold marijuana to friends, seldom attended class and paid people to deceive his mother about how he was doing in school. He told FBI agents he planned to smoke pot soon after their questioning was finished.

In redirect examination, he expressed regret for some of his past behavior.

"You lied to your mom. Is that something you are proud about?" Stahl asked.

"No. I'm ashamed," Kadyrbayev answered.

For Kadyrbayev, the hearings are now finished because Judge Douglas Woodlock denied a motion to extend them. Stahl had sought to question state troopers on whether they failed to tell Kadyrbayev about an attorney who was trying to contact him during his FBI questioning. But Woodlock said no.

"The federal law on this issue is pretty clear: The defendant has to initiate the request for an attorney," Woodlock said. "He didn't."

When Woodlock rules in August on the motion to exempt Kadyrbayev's initial statements from the pool of evidence, the judgment will send a signal about how the court views the massive bombing investigation and manhunt that brought Boston to a standstill.

"This is the first time that judge will weigh in on the constitutionality of law enforcement conduct" in the investigation, Frank said. Regarding Kadyrbayev's initial statements, "the judge is going to have to decide if these are the kind of statements that pass legal muster."

Two other friends of Tsarnaev's also have trials coming up for their alleged roles in interfering with the investigation. Azamat Tazhayakov will be tried June 30. Robel Phillipos will be tried Sept. 29.

Tsarnaev is scheduled for trial on 30 counts on Nov. 3. If convicted, he could receive the death penalty.

Friend Says He Thought Tsarnaev Was Bomb Suspect

By Denise Lavoie

[Associated Press](#), June 4, 2014

BOSTON (AP) — A friend of Dzhokhar Tsarnaev acknowledged Tuesday he suspected his friend was involved

in the Boston Marathon bombings when he removed items from Tsarnaev's dorm room several days after the deadly attack.

Dias Kadyrbayev's testimony came during a federal court hearing on his request to suppress statements he made to authorities while being questioned about Tsarnaev.

Kadyrbayev conceded during cross-examination that he told agents he suspected Tsarnaev was being sought in the bombings when he and another of Tsarnaev's friends, Azamat Tazhayakov, went to Tsarnaev's room at the University of Massachusetts-Dartmouth. The two men are accused of trying to obstruct the investigation into the bombings by throwing away Tsarnaev's backpack containing fireworks.

"You said you didn't know for sure that he was the bomber, that you suspected he was the bomber, correct?" asked Assistant U.S. Attorney Stephanie Siegmann.

"Yes, that's correct," Kadyrbayev replied.

Kadyrbayev testified Monday that he felt intimidated and pressured by agents who questioned him the day after the FBI released photos of Tsarnaev and his older brother, Tamerlan, as suspects in the bombings. Two pressure cooker bombs placed near the finish line of the April 15, 2013, marathon killed three people and injured more than 260.

Kadyrbayev's lawyer argues that Kadyrbayev — a native of Kazakhstan — was not proficient enough in English to fully understand the forms he signed giving authorities permission to question him without a lawyer.

Siegmann attempted to demonstrate that Kadyrbayev fully understood the forms he signed. She showed him transcripts of two recorded jailhouse phone conversations he had with his girlfriend. In one, when he is talking about a form he signed giving consent for agents to search his apartment, Kadyrbayev said, "Everything that we did — everything that I did, everything that I signed, I signed it on my own," according to the transcript.

U.S. District Judge Douglas Woodlock did not rule on the motion to suppress, saying he would allow prosecutors and Kadyrbayev's lawyer to submit written briefs and make oral arguments during a hearing in August.

Woodlock denied a request from Kadyrbayev's lawyer to elicit testimony from a state trooper and an attorney who claimed to represent Kadyrbayev while he was being questioned. The lawyer said he had been contacted by the state's public defender agency and told to call the barracks. Woodlock said the issue was not relevant to Kadyrbayev's motion to suppress.

Tamerlan Tsarnaev was killed during a shootout with police on April 19. Dzhokhar Tsarnaev, 20, has pleaded not guilty and is awaiting a trial in November. He could face the death penalty if convicted.

In a court filing Monday, prosecutors said Dzhokhar Tsarnaev told his mother in an email days after the

explosions that he expected to die. Prosecutors say Tsarnaev wrote the email before the slaying of a Massachusetts Institute of Technology police officer and the subsequent shootout.

"If I don't see you in this life I will see you in the akhira," prosecutors said he wrote. In Arabic, akhirah refers to the afterlife.

Prosecutors described the email in arguing against a motion by Tsarnaev's lawyers to suppress evidence seized from his dorm room and a Cambridge apartment where he once lived. They say the email indicates Tsarnaev "abandoned his expectation of privacy" because he did not expect to return alive.

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Accused Boston Bomber's Friend Thought Tsarnaev Suspect

By Christie Smythe And Janelle Lawrence
[Bloomberg News](#), June 4, 2014

A former college friend of the accused Boston Marathon bomber admitted that he "suspected" Dzhokhar Tsarnaev was wanted in connection with the attack when federal agents raided his apartment in the days afterwards.

Dias Kadyrbayev, 20, testified today in Boston federal court that he thought his friend might be involved when, at Tsarnaev's suggestion, he took the suspect's computer and some fireworks from a college dorm room. He is charged with conspiracy to obstruct justice for removing the items.

The concession came during cross-examination by prosecutors in a pre-trial hearing as Kadyrbayev seeks to throw out as coerced statements he made to police. Tsarnaev faces a potential death sentence if convicted at a trial scheduled for later this year.

"Here's where you see the danger of putting your client on" the witness stand, said Gerard T. Leone Jr., a former federal prosecutor, now a partner at Nixon Peabody International LLP.

The April 15, 2013 bombing killed three people and injured hundreds. Photographs of Tsarnaev and his brother Tamerlan Tsarnaev, killed during the manhunt that followed the bombing, were broadcast by media at about 5 p.m. on April 18, 2013, shortly before the apartment raid.

A lawyer for Kadyrbayev, Robert Stahl, has disputed whether his client was aware Tsarnaev was being sought when the items were removed. Tsarnaev sent him a text message the day of the raid telling him he could take anything he wanted from the room, but not claiming credit for the attack.

"I think you have to wait until the evidence comes out on that," Stahl said today. "There's a lot more."

The raid of the New Bedford, Massachusetts, apartment Kadyrbayev shared with Azamat Tazhayakov, also charged with obstruction of justice, took place as a manhunt spread across the Boston metropolitan area in the wake of the attack.

Yesterday, Kadyrbayev testified that he was traumatized by the raid, describing an ordeal that began as agents descended on his home as he was napping. He said he could see a sniper's red laser dots on his girlfriend's head and heard a man on a bullhorn outside demanding, "Dzhokhar come out!"

Then-Federal Bureau of Investigation Director Robert Mueller had ordered the apartment searched without a warrant, FBI Special Agent John Walker testified May 13.

Kadyrbayev contends he was taken shirtless and in handcuffs to a police station and interrogated for more than four hours. When he asked whether he needed a lawyer, an FBI agent allegedly deflected the question and said, "you're just helping us out."

The defense also argued Kadyrbayev wasn't sufficiently proficient in English to comprehend the form he signed waiving his constitutional right to remain silent.

Kadyrbayev's student visa was revoked in February 2013 after he performed poorly at the university. Federal agents initially arrested him, a citizen of Kazakhstan, on immigration violations on April 20.

The roommates and Robel Phillipos, another friend who is accused of making false statements to law enforcement officials, deny wrongdoing and aren't accused in the bombing itself.

The three men are being tried separately from Tsarnaev. Tazhayakov and Phillipos failed in their attempts to have their statements given to law enforcement thrown out.

Prosecutors have spent the past two days assailing Kadyrbayev's credibility, asking him about missteps during his time as a student at the University of Massachusetts-Dartmouth.

He admitted to plagiarism and hiring a fellow student to pose as his professor to tell his mother he was doing well when he was failing.

Assistant U.S. Attorney Stephanie Siegmann also asked if he sold drugs at the university.

Kadyrbayev replied "yes," saying he sold marijuana to fund his own drug use.

The case is U.S. v. Kadyrbayev, 13-cr-10238, U.S. District Court, District of Massachusetts (Boston). The Tsarnaev case is U.S. v. Tsarnaev, 13-cr-10200, U.S. District Court, District of Massachusetts (Boston).

Tunisian Man Accused Last Year Of Terrorism Pleads Guilty To Lesser Counts

By Benjamin Weiser

[New York Times](#), June 4, 2014

A Tunisian man who federal prosecutors said last year had wanted to commit acts of terrorism pleaded guilty on Tuesday to two charges that did not specifically mention terrorism.

Federal prosecutors in Manhattan said last year that the defendant, Ahmed Abassi, 27, had been secretly recorded discussing his desire “to engage in terrorist acts against targets in the United States and other countries,” and had proposed a plot to poison the air or the water with bacteria to kill up to 100,000 people.

Mr. Abassi was charged in an indictment unsealed in May 2013 with two counts of fraud and misuse of visas to facilitate an act of international terrorism, counts that carried maximum prison terms of 25 years each.

But in April, a prosecutor said in court that the government was proposing that Mr. Abassi plead guilty to two less serious counts and face up to six years in prison; he would also have to agree to deportation after completing his sentence.

If he accepted the offer, Mr. Abassi would not be asked to admit that either offense “touched on a crime of international terrorism,” the prosecutor, Michael Ferrara, said.

On Tuesday, Mr. Abassi pleaded guilty to the lesser charges. One count charged him with making a false statement upon his arrival at Kennedy International Airport in March 2013, telling officials that he had traveled to the United States to work in real estate. The second count accused him of making false representations on an application to obtain a green card, with the intent of defrauding the United States.

It was unclear why the government shifted its position and allowed Mr. Abassi to plead to charges with no mention of terrorism. The United States attorney’s office in Manhattan declined to comment.

In entering his plea, Mr. Abassi told Judge Miriam Goldman Cedarbaum in Federal District Court that he had “in fact lied” in the application.

Speaking through an interpreter, he said that he had actually come to the United States at the urging of a man whom he did not know was an undercover agent for the Federal Bureau of Investigation, with the hope of obtaining travel documents that would enable him to travel to Canada.

Prosecutors said last year that Mr. Abassi had come to the attention of law enforcement during an F.B.I. investigation that revealed that he had “radicalized” a man later arrested in Canada in an alleged plot linked to Al Qaeda to derail a passenger train.

After arriving in the United States, Mr. Abassi was kept under surveillance by law enforcement, and was secretly recorded discussing terrorist plots with the undercover agent, prosecutors have said in court papers.

In those discussions, Mr. Abassi also expressed “his intention to provide support and funding to organizations

engaged in terrorist activity,” including Al Qaeda in Iraq, and proposed his bioterrorism plot, prosecutors said.

Mr. Abassi’s lawyer, Sabrina Shroff, said in court recently that her client had been “entrapped” by the government; she said that the authorities sought to “build up a case that they thought would be the case of the century, which never came to bear because Mr. Abassi refused to engage in any concrete plan of terrorism.”

Ms. Shroff said in court Tuesday that she would ask for a sentence of “time served” for Mr. Abassi, who has been detained for about 14 months; he is to be sentenced on July 23.

Relatives Of Victims Of Drone Strikes Drop Appeal

By Charlie Savage

[New York Times](#), June 4, 2014

WASHINGTON — The relatives of three United States citizens killed in American drone strikes without trial, including Anwar al-Awlaki, a radical Muslim cleric, have decided not to appeal a federal judge’s dismissal of a lawsuit they filed against Obama administration officials.

The lawsuit sought unspecified damages against several top national security officials for the deaths from two drone strikes in Yemen in 2011; the victims also included Samir Khan and Mr. Awlaki’s teenage son, Abdulrahman al-Awlaki. In April, Judge Rosemary M. Collyer of the Federal District Court for the District of Columbia dismissed the case, deferring to the government’s national-security arguments.

In a statement, Nasser al-Awlaki, the father of Mr. Awlaki and the grandfather of Abdulrahman, said he had lost faith in the American courts. The older Mr. Awlaki had also sought an injunction blocking the government from trying to kill his son before the drone strike, but a Federal District Court judge dismissed that as well.

“Although the court failed to fulfill its role in this case, my family and I continue to hope that answers to our questions about why our son and grandson were killed will someday see the light of day, and that there may someday be accountability for the government’s actions,” he said.

The American Civil Liberties Union and the Center for Constitutional Rights helped bring the suit, and the rights center said in a statement that “our system of checks and balances failed these families.”

Government officials have said that Mr. Awlaki was an operational terrorist who was planning attacks on Americans with Al Qaeda’s branch in Yemen. They said that Mr. Khan and Abdulrahman were not deliberately targeted.

The Accelerating Spread Of Terrorism

By Seth G. Jones

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Holder Revives Domestic Terror Panel

By Benjamin Goad

[The Hill](#), June 3, 2014

Attorney General Eric Holder on Tuesday announced the reestablishment of a committee to fight terror threats posed by groups within U.S. borders.

The Justice Department's Domestic Terrorism Executive Committee was originally empaneled by then-Attorney General Janet Reno almost two decades ago in response to the 1995 Oklahoma City bombing.

But the panel was disbanded after the 9/11 attacks led the government to focus its attention on threats overseas. Holder maintained that the United States remains vigilant against foreign terror groups, including al Qaeda affiliates in Yemen and al-Shabaab in Somalia.

"But we also must concern ourselves with the continued danger we face from individuals within our own borders who may be motivated by a variety of other causes from anti-government animus to racial prejudice," he said.

The revived Domestic Terrorism Executive Committee will be led by the Justice Department's National Security Division, the FBI and the U.S. attorney's representatives.

The panel is designed to improve information-sharing among federal authorities around the U.S. charged with foiling homegrown terror threats.

"And we will never waver in our continuing effort to ensure that anyone who seeks to harm this nation, its people, or its vital interests will be brought to justice and held accountable for their actions — to the fullest extent of the law," Holder said.

U.S. Reconstitutes Group To Fight Homegrown Extremists

By Julia Edwards

[Reuters](#), June 4, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Senate Panel Extends Terrorism Insurance Program For Seven Years

By Alan Zibel And Ryan Tracy

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

FBI: Minnesota Residents May Have Gone To Syria

By Amy Forliti

[Associated Press](#), June 4, 2014

MINNEAPOLIS (AP) — The FBI in Minneapolis said Tuesday it is investigating the possibility that some men have recently left Minnesota to join rebels fighting in Syria, and it is reaching out to the state's large Somali community to try to prevent others from making the trip.

FBI spokesman Kyle Loven said authorities have indications that some individuals have recently left Minnesota and traveled overseas. He did not elaborate or release an estimated number of people involved, citing the active investigation.

But he did say it's likely some travelers made their way to Syria, or are headed there, and the FBI has concerns they may have been induced into joining the fight against President Bashar Assad's government. He said the travelers or potential travelers are believed to be Somali.

"We're trying to figure out ... the impetus for young men traveling overseas. How is this happening?" Loven said. "This is relatively recent, and so we're still attempting to examine the entire situation."

The FBI posted a public plea for information on its website Tuesday, asking those who know anyone who is "planning to and/or has traveled to a foreign country for armed combat or who is being recruited for such activities," to contact the local office. The Minneapolis office is the only FBI office nationwide that posted the public request.

The move comes about a week after an American from Florida carried out a suicide bombing against Syrian government troops in the city of Idlib. Moner Mohammad Abu-Salha is believed to be the first U.S. citizen involved in a suicide bombing in Syria's three-year civil war.

Loven said authorities are reaching out to Somali community leaders and activists, in hopes of identifying at-risk youth.

Since late 2007, at least 22 young men have left Minnesota to join the terrorist group al-Shabab in Somalia. Some of the men died there, some remain at large and others were prosecuted for their role in what the FBI said was one of the largest efforts to recruit U.S. fighters to a foreign terrorist organization. That investigation is still active.

The executive director of the Somali-American group Ka Joog, which works to combat radicalism by providing youth with positive alternatives, said the relative of one possible traveler contacted him Saturday and said the young man had left Minnesota.

Mohamed Farah said the news is concerning, and reminiscent of what happened in late 2008 when the community began learning that young men were going to Somalia.

"I think this is a second round, but now it's to Syria, and it really shows we have a lot of work ahead of us," Farah said.

Somali community activist Abdirizak Bihi said local Somalis have been talking in recent days about the possibility that some men might have gone to Syria, and is worried that

a radical element is trying to steer young men into a new pipeline of violence.

"We are very concerned about this summer," Bihi said. "People are shocked. ... It's insane."

Bihi said young Somali men in Minneapolis are vulnerable to terrorist recruiting because there are no jobs, few programs and they feel like outsiders. Farah said more needs to be done to keep youth engaged.

Early last month, FBI Director James Comey said dozens of Americans were among the growing number of foreign fighters who joined the Syrian conflict in recent months. Authorities have expressed concern these fighters could become radicalized by hard-line jihadists, and bring those influences back home.

The FBI is asking anyone with information about travels or potential travels to Syria to call (763) 569-8020.

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Minnesotans Might Have Gone To Syria To Fight In Civil War, FBI Says

[St. Paul \(MN\) Pioneer Press](#), June 4, 2014

Young Somalis from Minnesota may have tried to travel to Syria to join the war against the government there, the FBI said Tuesday.

Investigators are looking into the extent of the issue, said Kyle A. Loven, a spokesman for the FBI in Minneapolis.

"Information recently came to our attention which indicated with the ultimate goal of joining with rebel forces in Syria to fight against the Assad regime," Loven said.

Opposition forces in Syria, including some suspected extremist factions, have been fighting the government of President Bashar al-Assad for more than three years. The war has drawn thousands of foreign fighters, by some estimates – including those with ties to Al-Qaida and other militant Islamist groups.

Loven declined to say how many people may have traveled there from Minnesota, when it may have happened or whether anyone is in custody. The investigation is active, he said.

The FBI posted a request on its Minneapolis website Tuesday afternoon asking for information about anyone who has been recruited, planned to travel or already traveled abroad to fight.

Anyone with such information can submit anonymous tips online or call 763-569-8020.

Teenagers and young adults are generally most at risk, Loven said. He said they're often coerced by recruiters or influenced by online propaganda.

The FBI is "actively engaged" with Somali community leaders here to get a handle on the issue and reach out to at-risk individuals, he said.

It's against federal law for U.S. citizens to take up arms in foreign conflicts, Loven said.

The issue echoes the recruitment of young men from Minnesota by al-Shabaab, a terrorist organization in Somalia. About two dozen men have left Minnesota over the past seven years to fight for the group, leading to federal court cases against those accused of traveling and those accused of helping them.

The concerns about Syria come about a week after an American from Vero Beach, Fla., carried out a suicide bombing against Syrian government troops in the city of Idlib. Moner Mohammad Abu-Salha is believed to be the first U.S. citizen involved in a suicide bombing in Syria's civil war.

A report by a private security company, the Soufan Group, said about 70 fighters from the U.S. have traveled to Syria, quoting an FBI statement from May.

Early last month, FBI Director James Comey said dozens of Americans were among the growing number of foreign fighters who joined the Syrian conflict in recent months. Investigators have expressed concern these fighters could become radicalized by hard-line jihadists, and bring those influences back home.

The study's author, Richard Barrett, a former British intelligence official and U.N. specialist on al-Qaida, wrote that leaders of groups that attract most foreign fighters – al-Nusra Front, Ahrar al-Sham and the Islamic State of Iraq and Greater Syria (ISIS) – were previously members of al-Qaida.

Somali community activist Abdirizak Bihi said local Somalis have been talking about the Syrian conflict in recent days; he's worried a radical element is trying to create a new pipeline of violence.

"We are very concerned about this summer," Bihi said. "People are shocked. They used to talk about kids leaving from Europe (for Syria), now they started talking about here ... It's insane."

Bihi said young Somali men here are vulnerable to terrorist recruiting because there are no jobs, no programs and they feel like outsiders.

"The key of this is the vastness of the vulnerability," Bihi said.

Omar Jamal, another activist in the community, said the same radical interpretation of Islam that drew people to al-Shabaab is behind the Syria recruitment.

"The underlying message is the same," he said.

He urged members of the community to work with the FBI and pass on any information they might have "to stop this madness and to save our children.

"I would urge the community to call the number," he said. "We have to stop this."

Minnesotans May Be Fighting In Syria

[Associated Press](#), June 3, 2014

MINNEAPOLIS – The FBI in Minneapolis is seeking the public's help to track down anyone who may have left Minnesota to fight in Syria.

FBI spokesman Kyle Loven says authorities have "indications" some individuals have recently left Minnesota and traveled overseas.

He says it is likely they made their way to Syria or are headed there, and the FBI has concerns that the individuals have joined the fight against President Bashar Assad's government.

He did not elaborate, and says the investigation is active.

Loven says authorities are trying to figure out how recruiting is happening.

Authorities are reaching out to the area's Somali community to identify at-risk youth who may be vulnerable.

The FBI has posted a public request for information on its website. Anyone with information can call (763) 569-8020.

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FBI: Minnesota Residents May Have Gone To Fight In Syria

[Associated Press](#), June 4, 2014

The FBI in Minneapolis is seeking the public's help in tracking down anyone who may have left Minnesota to fight in Syria.

FBI spokesman Kyle Loven says authorities have "indications" some individuals have recently left Minnesota and traveled overseas.

He says it is likely they made their way to Syria or are headed there, and the FBI has concerns that the individuals have joined the fight against President Bashar Assad's government.

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Tunisian Man Accused Last Year Of Terrorism Pleads Guilty To Lesser Counts

By Benjamin Weiser

[New York Times](#), June 4, 2014

A Tunisian man who federal prosecutors said last year had wanted to commit acts of terrorism pleaded guilty on Tuesday to two charges that did not specifically mention terrorism.

Federal prosecutors in Manhattan said last year that the defendant, Ahmed Abassi, 27, had been secretly recorded discussing his desire "to engage in terrorist acts against targets in the United States and other countries," and had proposed a plot to poison the air or the water with bacteria to kill up to 100,000 people.

Mr. Abassi was charged in an indictment unsealed in May 2013 with two counts of fraud and misuse of visas to facilitate an act of international terrorism, counts that carried maximum prison terms of 25 years each.

But in April, a prosecutor said in court that the government was proposing that Mr. Abassi plead guilty to two less serious counts and face up to six years in prison; he would also have to agree to deportation after completing his sentence.

If he accepted the offer, Mr. Abassi would not be asked to admit that either offense "touched on a crime of international terrorism," the prosecutor, Michael Ferrara, said.

On Tuesday, Mr. Abassi pleaded guilty to the lesser charges. One count charged him with making a false statement upon his arrival at Kennedy International Airport in March 2013, telling officials that he had traveled to the United States to work in real estate. The second count accused him of making false representations on an application to obtain a green card, with the intent of defrauding the United States.

It was unclear why the government shifted its position and allowed Mr. Abassi to plead to charges with no mention of terrorism. The United States attorney's office in Manhattan declined to comment.

In entering his plea, Mr. Abassi told Judge Miriam Goldman Cedarbaum in Federal District Court that he had "in fact lied" in the application.

Speaking through an interpreter, he said that he had actually come to the United States at the urging of a man whom he did not know was an undercover agent for the Federal Bureau of Investigation, with the hope of obtaining travel documents that would enable him to travel to Canada.

Prosecutors said last year that Mr. Abassi had come to the attention of law enforcement during an F.B.I. investigation that revealed that he had "radicalized" a man later arrested in Canada in an alleged plot linked to Al Qaeda to derail a passenger train.

After arriving in the United States, Mr. Abassi was kept under surveillance by law enforcement, and was secretly recorded discussing terrorist plots with the undercover agent, prosecutors have said in court papers.

In those discussions, Mr. Abassi also expressed "his intention to provide support and funding to organizations

engaged in terrorist activity,” including Al Qaeda in Iraq, and proposed his bioterrorism plot, prosecutors said.

Mr. Abassi’s lawyer, Sabrina Shroff, said in court recently that her client had been “entrapped” by the government; she said that the authorities sought to “build up a case that they thought would be the case of the century, which never came to bear because Mr. Abassi refused to engage in any concrete plan of terrorism.”

Ms. Shroff said in court Tuesday that she would ask for a sentence of “time served” for Mr. Abassi, who has been detained for about 14 months; he is to be sentenced on July 23.

Tunisian Man Pleads Guilty In US Terror Case

[Associated Press](#), June 4, 2014

NEW YORK (AP) — A Tunisian man who was accused last year of plotting to organize a U.S.-based terrorism cell pleaded guilty on Tuesday to less serious immigration charges.

Ahmed Abassi told a federal judge in Manhattan that he lied about why he had flown to the United States when he spoke to a federal agent in 2013 and when he filled out a green card application.

“I said I was going to work in the real estate field,” Abassi said. “It was not true.”

Abassi faces a maximum sentence of six years in prison at sentencing on July 23, but he could be released from jail and immediately deported if the judge agrees to a defense request for time served.

Prosecutors allege that Abassi met regularly in the U.S. with an undercover FBI agent and with another Tunisian citizen who’s facing charges in Toronto of conspiring with al-Qaida members in Iran in a plot to derail a train that runs between New York City and Montreal. They claimed Abassi wanted to remain in the United States to cultivate a network of terrorists for international attacks.

The defense accused the government of entrapment, saying the undercover agent lured Abassi to the United States by promising to put him up in a luxury apartment and to help him get a Canadian visa so he could reunite with his wife in Quebec.

Abassi told the judge that following his arrest last year, FBI agents interrogated him for seven days. He didn’t give specifics.

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Tunisian Accused Of Train Plot Link Admits Lying To Officials

By Joseph Ax

[Reuters](#), June 4, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Tunisian Man Tied To Al-Qaeda Plot Admits Lying To U.S.

By Patricia Hurtado

[Bloomberg News](#), June 4, 2014

Ahmed Abassi, a Tunisian accused by the U.S. of “radicalizing” a Canadian charged with an al-Qaeda plot to derail a passenger train, pleaded guilty to lesser charges of lying to immigration officials about his employment.

Abassi, 27, told U.S. District Judge Miriam Cedarbaum in Manhattan today that he falsely claimed in a visa application that he would work as a real estate agent in the U.S. and also lied about his job in a permanent resident work permit.

When the charges against Abassi were announced last year, the U.S. said he intended to commit acts of terrorism, including a scheme to release bacteria that he hoped would kill as many as 100,000 people. The U.S. also said Abassi had “radicalized” Chiheb Esseghaier, who was arrested and charged by Canadian authorities with the Via Rail train plot on April 22, 2013, the same day Abassi was arrested at John F. Kennedy International Airport in New York.

Abassi told the judge today that he was studying at Laval University in Quebec and went home to Tunisia to get married. When he attempted to return, he discovered his student visa was canceled. Abassi said a man he knew as “Tamer,” whom he previously met in Canada, persuaded him to come to the U.S. and claim he was going to work in real estate. Abassi said he agreed to lie to U.S. authorities, hoping that way he could more easily return to Canada and complete his studies.

Sabrina Shroff, Abassi’s lawyer, said Tamer was an undercover agent with the Federal Bureau of Investigation, who she has alleged entrapped her client.

“I stated on my visa application that my intention was to enter the United States to engage in business,” Abassi told Cedarbaum. “I lied because my entire purpose was to return to Canada,” he said.

Shroff said at a prior hearing that her client was lured to the U.S. by the undercover agent’s promise of a luxury life in Manhattan. Abassi refused to engage in “any concrete plan of terrorism,” she said.

Abassi has been in custody since his arrest. Shroff said during today’s hearing that she intended to ask Cedarbaum to impose no further prison time on Abassi when he’s sentenced on July 23.

“I hope this means that you will always be truthful and I wish you good luck,” Cedarbaum told Abassi as he was led away in shackles by deputy U.S. marshals.

"Thank you your honor, I will try to be," he responded.

The case is U.S. v. Abassi, 13-cr-00304, U.S. District Court, Southern District of New York (Manhattan). For Related News and Information:

Tunisian Man Gets Plea Deal For Amtrak Terror Plot

[New York Post](#), June 4, 2014

A Tunisian man charged in an unsuccessful plot to derail an Amtrak train en route from Penn Station to Toronto copped a plea Wednesday to less serious immigration charges.

Ahmed Abassi, 27, avoided terrorism charges by pleading guilty in Manhattan federal court to lying on his visa application and to immigration officials when asked why he flew to the United States in 2013.

"I stated on my visa application that my intention was to enter the United States to engage in business" as a real estate agent, Abassi told Judge Miriam Cedarbaum. "I lied because my entire purpose was to return to Canada."

Abassi, who previously lived in Canada, "radicalized" one of the alleged train plotters, Chiheb Esseghaier, and met with him in New York City after traveling here in mid-March of 2013, prosecutors said last year in court filings. An undercover agent recorded both men discussing a plot to release bacteria in the air or water to kill up to 100,000 people, the feds said.

Abassi faces up to six years in prison at sentencing on July 23 but could be released from jail and immediately deported if Cedarbaum agrees to a defense request for time served. His lawyer, Sabrina Shroff, claimed the undercover agent entrapped her client.

Abassi had faced up to 50 years in prison on terror charges.

The plea deal is a far cry from how Manhattan US Attorney Preet Bharara previously portrayed him in a statement last year in which he referred to Abassi as radical planning to "commit acts of terror and develop a network of terrorists here."

Exclusive: Chiquita Is Blocking A 9/11 Victims' Bill

[The Daily Beast](#), June 3, 2014

For years, the conglomerate paid off Colombian militias. So it's no wonder the company is now furiously lobbying to stop a bill that would make it easier to sue terror financiers.

Washington makes for strange alliances—and even stranger enemies. But this could wind up being the oddest confrontation of all. Chiquita, the world's largest banana producer, is spending hundreds of thousands of dollars to block a 9/11 victims' bill, *The Daily Beast* has learned. And outraged supporters of the legislation accuse a senior

lawmaker, Rep. Bob Goodlatte, of working with the fruit kings to stand in their way.

According to Congressional lobbying disclosures, Chiquita has spent some \$780,000 over the past year and a half lobbying against the Justice Against Sponsors of Terrorism Act (JASTA), a bill conceived of and supported by a group of 9/11 victims and families to aid their claims against actors who supported the terrorist attacks.

The result is a stalled piece of terrorism legislation that shows the dizzying influence of a deeply pocketed corporation, and how its tremendous power is prevailing over the interests of the most sympathetic of little guys: 9/11 victims. And it illustrates how the influence of major fruit companies—such a core component of 20th-century American policy that they gave rise to the phrase "Banana Republics"—endures today.

"The path to justice for me and the other 9/11 family members and survivors is being blocked by a banana company. I think Chiquita should mind their own bananas and let justice be served," said Terry Strada, whose husband was killed in the terrorist attacks.

The major fruit supplier is not in any way connected with 9/11, but in 2007 it pleaded guilty to making over 100 payments to the United Self-Defense Forces of Colombia (AUC), a right-wing paramilitary group designated by the United States as a terrorist organization.

Chiquita, which had operated in Colombia for over 100 years, began making payments to the terrorist organization after a 1997 meeting between an AUC leader and a senior executive of its Colombian subsidiary. Nearly every month, additional payments followed. The fruit company has maintained that it only made payments due to extortionary threats of violence, and reacted to protect the lives of its workers.

Through a deal in which Chiquita was represented by now-Attorney General Eric Holder, the fruit company agreed to pay a \$25 million fine. Chiquita acknowledged that between 1997 and 2004, it made over \$1.7 million in payments in cash and checks to the terrorist group.

"Does [AUC] financing make Chiquita liable for the acts of terrorism and murder committed by those terrorists? That's the question," said Terry Collingsworth, a lawyer involved in a lawsuit against Chiquita. "To the extent that JASTA changes that or clarifies that standard, it would present a threat to Chiquita."

By 2003, Chiquita's most profitable operation was its Colombian subsidiary. That same year, Chiquita officials consulted the opinion of outside lawyers in Washington, D.C., who pointedly advised that the payments were illegal and needed to be halted. They did not stop until Feb. 4, 2004. The subsidiary was sold off later that year.

When Deanna Wirth, an educational aide and constituent whose father died in the North Tower, began

talking about her father's last words before death, Goodlatte responded, "Weren't you compensated for that?"

Having acknowledged payments to terrorists—though they claim to be extorted—Chiquita's interests conflict with those of 9/11 victims' families.

The Justice Against Sponsors of Terrorism Act was conceived after a group of 9/11 victims' families ran into a number of legal issues in their efforts to sue supporters of terrorism after the attacks. The group, 9/11 Families United For Justice Against Terrorism, consists of some 6,500 individuals: family members of those killed and those directly injured in the attacks of 9/11.

The group is headed by Strada and Sharon Premoli, who survived the attacks from the 80th floor of the World Trade Center's north tower.

A primary legal issue for the victims was disagreement amongst varying federal circuit courts over whether groups that aided and abetted terrorists could be found civilly liable. JASTA would clarify the Anti-Terrorism Act by expanding liability against those that had funded terrorists.

"It would also make it clear that victims of terrorist attacks both outside and inside the U.S. could seek damages against perpetrators," explained Matt House, a spokesman for Sen. Chuck Schumer, D-N.Y., the primary sponsor for the bill in the Senate.

By expanding the liability of groups that have aided and abetted terrorism, the bill incidentally became relevant to Chiquita, with its history of paying off the terrorists of the AUC.

Chiquita certainly appeared to respond as if JASTA were a threat. In the months after the bill was reintroduced in the House and Senate, the fourth quarter of 2013, Chiquita spent \$450,000 hiring lobbyists from Covington and Burling, a high-powered white shoe law firm. [Disclosure: The Daily Beast is also a client of Covington and Burling.] Chiquita acknowledged working with Congressional staff on JASTA.

"Chiquita supports the stated objectives of the Justice Against Sponsors of Terrorism Act," the company said in a statement to The Daily Beast. "Chiquita's sole interest is to ensure that the legislation does not inadvertently promote litigation against individuals and companies who, like Chiquita, were victims of extortion by terrorist groups."

According to a Congressional source with direct knowledge of the lobbying, the fruit conglomerate approached lawmakers with Chiquita facilities in their districts—as well Congress members with influence over their senior colleagues like Rep. Peter King, R-N.Y., the primary sponsor of JASTA in the House.

The lobbyists appeared to find an ear in the office of senior lawmaker Rep. Bob Goodlatte. Goodlatte chairs the House Judiciary Committee, where JASTA now sits languishing.

In November, a group representing 9/11 Families United For Justice Against Terrorism met with Zachary Somers, a senior aide to Goodlatte.

One member of the group, a minister, wept openly. At another point, one attendee blurted out that that the only part of her husband's body that was recovered was his head. Meanwhile, the group claims, Somers acted dismissive and at one point in the meeting picked lint off his jacket. Then Somers said his boss had objections to their bill.

When asked if Chiquita had approached Goodlatte's office, and whether Chiquita had been the only group to express concerns, Somers replied affirmatively on both counts, according to three participants in the meeting. (Somers did not respond to a request for comment, but a Goodlatte aide denied he was rude to the families.)

In December the same 9/11 group met with Goodlatte himself in Lynchburg, Va., which is in the congressman's district. Some of the victims' families characterized the congressman as being short with the group, at one point remarking to one of the 9/11 widows that she was not even one of his constituents.

When Deanna Wirth, an educational aide and constituent whose father died in the North Tower, began talking about her father's last words before death, she claims Goodlatte responded, "Weren't you compensated for that?"

As an adult child of a 9/11 victim, Wirth was not compensated. Her face dropped.

"I just thought it was a rude question. I couldn't believe that came out of his mouth," Wirth said. "He was very rude, and in my opinion, not very compassionate about what we went through."

Goodlatte's office declined to answer direct questions about their position on JASTA, on whether they had met with Chiquita representatives, or on his conduct with the 9/11 victims' families.

Last month, Goodlatte's office quietly let it be known on Capitol Hill that the chairman would not support progress on JASTA, a disappointing setback for the 9/11 victims' families group.

A Goodlatte aide hinted that the chairman opposed the bill, but would not confirm this in a statement to The Daily Beast.

"The Chairman and the lead staffer on this issue examined the legislation and received feedback from various companies and organizations about the effects of the legislation," said a House Judiciary aide. "Numerous high-level groups in the business community oppose the legislation because the breadth of the proposed changes risks exposing law-abiding U.S. companies to frivolous lawsuits and potentially massive civil liability."

Asked which companies and groups oppose the legislation, Goodlatte's office said 20 groups opposed JASTA but refused to name any of them.

"Goodlatte needs to permit the bill [to move] through his committee, but he has expressed reluctance to do so," said Premoli.

Other lawmakers have declined to speak publicly about JASTA. Rep. Peter King's office declined to discuss its own bill. "The ongoing conversations and negotiations are staying private," said King spokesman Kevin Fogarty.

Sen. Patrick Leahy, the chairman of the Senate Judiciary Committee, did not respond to a request for comment.

In September 2012, the Senate Judiciary Committee passed the Justice Against Sponsors of Terrorism Act. But the legislation stalled, and was reintroduced in the House and Senate last fall—only to find fresh opposition from an unlikely source.

US Charges Guantanamo Bay Prisoner With War Crimes

[Associated Press](#), June 3, 2014

MIAMI — A Guantanamo Bay prisoner accused of plotting roadside bombing attacks in Afghanistan as a commander of al-Qaida is facing a trial by military commission on war crimes charges that could put him in prison for life, officials said Tuesday.

Pentagon legal authorities have approved five war crimes charges against Abd al-Hadi al-Iraqi. He is to be arraigned at the U.S. base in Cuba within 30 days under military rules.

The charges include denying quarter, which involves refusing to allow the enemy to surrender, and treachery, defined under international law as pretending to be a civilian to carry out attacks.

He is also charged with attacking protected property for orchestrating attacks on a military medical helicopter, attempted treachery and conspiracy.

The charges carry a maximum of life in prison except attacking protected property, which carries a 20-year maximum.

Hadi has been held at the U.S. base in Cuba since April 2007. A native of Iraq, he is about 53, according to the Pentagon.

Prosecutors allege he was a senior al-Qaida leader and oversaw extensive operations against U.S. and allied forces in Afghanistan, Pakistan and Iraq.

He took part in a failed al-Qaida plot to kill Pakistani President Pervez Musharraf as well as a number of roadside bombings and suicide attacks in Afghanistan that killed civilians as well as members of the military from the U.S., Canada, Germany and other nations, prosecutors say in charging documents.

A military lawyer appointed to represent him did not respond to a request for comment.

There are two other war crimes cases pending at Guantanamo, the case against five prisoners charged in the Sept. 11, 2001 terrorist attack, and for another prisoner accused of orchestrating the 2000 attack against the USS Cole. Both are in the pretrial stage. The U.S. holds 149 prisoners at the U.S. base in Cuba.

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Accidental Recordings Give Peek Into FBI's Osmakac Investigation

By Elaine Silvestrini

[Tampa \(FL\) Tribune](#), June 2, 2014

TAMPA — Jurors in the Sami Osmakac terrorism trial were given a rare glimpse Monday into the inner workings of the FBI team that created the sting operation that caught him.

Testifying behind a screen, an undercover FBI agent using the name "Amir" said under cross-examination that some of his conversations with fellow agents were inadvertently captured on audio recordings by the equipment used to record his encounters with Osmakac.

The prosecution says Osmakac planned to unleash mayhem on Tampa in a terrorist attack involving a car bomb outside a busy pub and then an attack involving an automatic gun, grenades and a suicide vest inside the Hard Rock Casino.

The defense is arguing that Osmakac was entrapped by the FBI sting, and defense lawyer George Tragos tried to use the transcripts of the recordings to probe the intent of the FBI team.

But Assistant U.S. Attorney Sara Sweeney argued, largely successfully, that any conversations and the intent of the FBI agents was irrelevant. The only thing relevant, Sweeney asserted, was what the agents did with Osmakac.

U.S. District Judge Mary Scriven agreed with Sweeney that the transcripts should not be publicly released. But the judge did allow Tragos to elicit a couple of snippets of information regarding the inner workings of the FBI team.

For example, Tragos quoted a supervisor as saying, "They want this Hollywood ending. That's great. Plus, they want attempted WMD. I don't remember a Title 18 code for that one."

Title 18 is the law covering federal criminal offenses.

Tragos asserts the "Hollywood ending" for the case was the "martyrdom video" the agent recorded Osmakac making before he was arrested. But Amir said he didn't see it that way.

Asked by Sweeney, the agent said he didn't think there was a Hollywood ending to the case.

Osmakac is charged with attempting to possess a weapon of mass destruction and possession of an unregistered machine gun.

Amir also made a statement, according to the testimony, that Osmakac was “in flux” on the location of his intended target for a terrorist attack in Tampa. And the agent said he worried about the money Osmakac was being given by the government’s paid informant. Amir testified that his concern was that Osmakac would use the money to buy weapons from a source other than the FBI.

Under questioning from Sweeney, Amir said Osmakac told him he had previously gone to South St. Petersburg to try to buy guns from drug dealers.

The defense maintains that Osmakac was susceptible to entrapment because he is mentally ill.

Tragos asked Amir if he thought Osmakac was irrational.

“I regard anyone who wants to kill women and children as irrational,” the agent responded.

Tragos has also argued that Osmakac didn’t have the money to pay for what he needed to get to launch an attack. Amir conceded that the night of the planned attack, he was concerned Osmakac wouldn’t have enough money to pay a taxi to drive him from the site of the car bomb to the hotel where his own car would be.

Tragos also went over with the agent the instructions for triggering the fake “car bomb,” which had been typed and taped to the box containing the “detonator.” Tragos argued to Amir that he had done that because Osmakac was so incompetent he couldn’t remember what to do.

“That’s not why the instructions are there,” the agent said. “The instructions are there so I don’t forget, myself.”

Terrorism Case Continues In Tampa

[Associated Press](#), June 4, 2014

TAMPA, Fla. (AP) – Jurors in the Sami Osmakac terrorism trial were given a rare glimpse into the inner workings of the FBI team that created the sting operation that caught him.

The Tampa Tribune (<http://bit.ly/RyjNL9>) reports that on Monday, an undercover FBI agent using the name “Amir” testified behind a screen. The agent said under cross-examination that some of his conversations with fellow agents were inadvertently captured on audio recordings by the equipment used to record his encounters with Osmakac.

The prosecution says Osmakac planned to unleash mayhem on Tampa in a terrorist attack involving a car bomb outside a busy pub and then an attack involving an automatic gun, grenades and a suicide vest inside the Hard Rock Casino.

The defense is arguing that Osmakac was entrapped by the FBI sting.

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Jury Hears Osmakac, Informant Discuss Terror Plan

[Tampa \(FL\) Tribune](#), June 3, 2014

TAMPA — Weeks before he is accused of trying to launch a terrorist attack in Tampa, Sami Osmakac predicted a “second 9/11,” according to evidence presented in federal court Tuesday.

Osmakac is standing trial on charges of attempting to possess weapons of mass destruction and possession of an unregistered machine gun. The prosecution alleges he planned to wreak havoc in Tampa by detonating a car bomb outside a busy South Tampa pub and then using grenades, a machine gun and a suicide bomb at the Seminole Hard Rock Casino.

After Osmakac was arrested, an FBI agent asked him what he had in mind taking a vehicle loaded with explosives to Hyde Park.

“Islam,” Osmakac responded, according to the agent.

The defense is arguing that Osmakac’s radical Islamic beliefs and mental illness were exploited by an informant and an undercover FBI agent, who entrapped him into trying to harm people on U.S. soil, which he never intended to do.

The informant, who the FBI paid \$24,000, including expenses, will not testify at the trial. The prosecution has said he is in Israel being treated for leukemia.

But jurors Tuesday heard from him on tape as the prosecution played recordings of conversations between Osmakac and the man who owned a Pinellas County store where Osmakac worked.

In the recordings played for jurors, the informant mostly appears to be arguing with Osmakac, telling him he is “crazy” and disagreeing with some of his extremist views on Islam, while also arranging for him to meet with the undercover agent, who was posing as an arms dealer.

In one clip, however, the informant can be heard talking to FBI agents, telling them he’s going to “control” Osmakac. This clip was played at the request of the defense.

But Assistant U.S. Attorney Sara Sweeney told U.S. District Judge Mary Scriven that the statement referred to difficulties recording Osmakac’s voice. Sweeney said the informant was merely telling agents he was going to stop Osmakac from moving around. In the clip, there are references to the placement of a recording device.

The recordings also capture Osmakac saying the world needs to be controlled by Sharia law, and that democracy is “evil” and worse than Christianity. He calls the Muslim Brotherhood and Hamas infidels because they are willing to

abide by man-made laws. He also rails against Jews, who he says own international banks and YouTube.

And he talks about being followed by government surveillance, including a plane he says circles around wherever he is, including the beach. He calls the government "paranoid" about him.

An FBI agent has testified that Osmakac was under surveillance for some length of time, including from the air.

OTHER CYBER NEWS

New FBI Task Force Rounds Up Eight Cyber Suspects

By Jay Weaver

[Miami Herald](#), June 4, 2014

FBI agents on Tuesday arrested eight cyber crime suspects in South Florida and Atlanta in their first take-down since a regional task force was formed to target the spreading threat of financial and other fraud on the Internet.

Launched by the FBI in January, the task force is taking aim at personal-identity thieves, computer hackers, credit card counterfeiters and other scammers.

"Today is the tip of the iceberg," said John Jimenez, supervisor of the Miami Cyber Task Force, whose members come from local, state and federal law-enforcement agencies. "Massive arrests are expected."

Jimenez, who formerly headed the FBI's public-corruption task force, said the cyber squad is also working "hand in hand" with fraud investigators from South Florida banking and credit card companies to tackle the multibillion-dollar problem here and across the country.

Jimenez said the ultimate goal is to catch not only local cyber offenders but also ringleaders overseas — similar to the U.S. government's longtime strategy of targeting major drug-traffickers in South America.

"We're gearing up to go after the criminals at the front end," he said.

On Tuesday, agents with the FBI's cyber task force arrested six offenders, most of whom worked at AT&T call centers in Broward County. They are accused of stealing customers' IDs and account information from corporate databases to commit cellphone insurance fraud, according to the U.S. attorney's office.

Those arrested in two related cases are: Kenneth Key, 32, of Pompano Beach; Jonathan Mackey, 23, of Fort Lauderdale; Quenikka Brown, 28, of Atlanta; Kaleb Trotman, 25, of Pompano Beach; Tsafiq Samuels, 24, of Miramar; and Tanya Morgan, 27, of Miami Gardens.

According to a pair of indictments, five former AT&T call center workers are charged with conspiring to sell the stolen customer information to co-conspirators, including Trotman. He and others allegedly used the information to impersonate

AT&T customers and submit fraudulent cellphone insurance claims.

The indictments also charge the defendants with conspiracy to commit computer fraud and aggravated identity theft.

In a third case, Richard Garcia Diaz, 50, of Hialeah, is charged with stealing thousands of cable boxes and modems and then illegally modifying them to receive free service.

A criminal complaint alleges that thousands of cable boxes and modems were ordered from Comcast with similar names and identity information for delivery to addresses in or around Coral Way in Miami.

FBI agents discovered that an unidentified co-conspirator, a UPS driver, delivered Comcast packages loaded with cable boxes and modems to an unnamed co-conspirator's residence in Miami, according to the complaint. And that person gave the equipment to Garcia, the defendant.

In a fourth case, Ricardo Prieto, 49, of Miami, was charged with selling and using counterfeit credit cards.

The Miami Cyber Task Force consists of officers with the Miami Police Department, Miami-Dade Police Department, Hialeah Police Department, Bal Barbour Police Department, Davie Police Department, the Florida Division of Insurance Fraud, and the Palm Beach County Sheriff's Office.

Among other agencies planning to participate in the task force are the Miami Beach Police Department, the Doral Police Department and the Florida Department of Law Enforcement.

Chambliss: Senate Must Get Cyber Bill Done This Year

By Kate Tummarello

[The Hill](#), June 4, 2014

The Senate needs to get a cybersecurity bill done this year, and the Senate Intelligence Committee is "close" to a bipartisan bill, according to Sen. Saxby Chambliss (R-Ga.), the committee's top Republican.

"We're down now to just a couple of provisions that we're still talking about that we've got to resolve before we bring it before the committee," Chambliss said Tuesday, speaking at a Bloomberg event on cybersecurity.

Chambliss said he has been working with Senate Intelligence Committee Chairwoman Dianne Feinstein (D-Calif.) for months and has solved some of the differences between their approaches, including over real-time sharing of information about cyber threats across relevant entities in the public and private sectors.

They're still working to solve issues of liability protections, he continued, adding that he's "confident we'll figure something out."

Chambliss said he is hopeful the bill will come to the Senate floor once the committee considers it.

"It's a bipartisan bill," he said. "That rings a bell in [Senate Majority Leader] Harry Reid's mind as to what ought to come to the floor."

The Senate should pass a cyber bill this year so that the House has time to consider it before next year's "new influx of members," Chambliss continued, pointing to the working relationship he and Feinstein have with House Intelligence Chairman Mike Rogers (R-Mich.) and ranking member Dutch Ruppersberger (D-Md.).

"The four of us, unlike previous House and Senate Intelligence Committees ... we have worked very well together," he said.

"We've been talking about [the cyber bill] for months with Congressman Rogers and Congressman Ruppersberger."

Chambliss said one of the biggest challenges is educating people about cybersecurity issues and threats.

The next conflict is "probably not going to be with boots on the ground, its probably going to be in the area of cyber," he said.

Chambliss pointed to recent high-profile data breaches at consumer-facing companies — including a retail giant Target, which made vulnerable the personal and financial data of tens of millions of people — as a wake up call for some.

"It did raise the profile of the issue in the minds of the public to the extent that people are all of a sudden starting to say, 'Hey, this could happen to me,'" he said.

Russian Hacker Engineered Dazzling Worldwide Crime Spree

[USA Today](#), June 4, 2014

In the Dark Web world of cyber hackers, "Slavik" achieved legendary stature years ago, then purportedly retired. Instead, authorities say he went on a dazzling crime spree that used more than 1 million infected computers to reach directly into U.S. banks and businesses to steal millions.

The details of Slavik's handiwork continued to spill out Tuesday after the FBI named him as a leader of a computer crime syndicate that spanned several continents and funneled money around the globe — often without being detected.

The FBI has identified Slavik as Evgeniy Mikhailovitch Bogachev, a Russian national whose whereabouts remain a mystery. Prosecutors say he is responsible for two of the most sophisticated and destructive forms of malicious software in existence — Gameover Zeus and CryptoLocker

His alleged bank heists topped \$100 million, including nearly \$7 million from a bank in North Florida, \$374,000 from

a PNC bank account belonging to a plastics company in Pennsylvania, and \$190,800 from the bank account owned by an assisted-living facility in Pennsylvania, court papers say.

Bogachev allegedly controlled a vast worldwide network that included computers in Canada, Germany, France, Luxembourg, Iran, Kazakhstan, the Netherlands and the United Kingdom. But the backbone of the infrastructure resided in the Ukraine, according to a senior U.S. law enforcement official who was not authorized to speak publicly because of the pending court cases.

The operation to dismantle the network began on May 7 in Donetsk and Kiev, Ukraine, two cities convulsing with political violence. Ukrainian police seized and copied key computers in the network, prosecutors said. On Friday, the FBI, working with police around the world, kicked off a 72-hour operation to shut down every command-and-control computer in the Zeus network.

By Saturday, CryptoLocker had ceased working. By Monday, police had freed more than 300,000 computers from the Zeus network.

Bogachev, 30, who lives luxuriously in Anapa, Russia, a beautiful seaside resort town of 60,000 on the northern coast of the Black Sea, and often sails his yacht to various Black Sea ports, remains a fugitive.

HOW IT WORKS

Gameover Zeus or P2P Zeus, emerged in September 2011. The malicious software is designed to steal confidential banking credentials and passwords.

The heist begins with a phishing e-mail designed to entice a computer user to click on a link. The link launches the virus, which surreptitiously infects the computer. The malware includes a keylogger that can capture every keystroke made by the user and injects codes that can replace a legitimate banking site with a fake site that asks the user for confidential information, such as credit card and Social Security numbers, while still allowing it to communicate with the legitimate site.

The computer becomes part of a network of infected computers, called a "botnet," that can be controlled remotely by the criminals.

Computers in the "botnet" are infected with a code that directs it to communicate once a week with control websites located around the world. Those websites transmit orders to the various computers in the "botnet" and collect the confidential information. Zeus controlled more than 1 million computers.

On Oct. 18, 2011, Zeus infected Haysite Reinforced Plastics in Pennsylvania using a phishing e-mail purporting to be from a banking payment network. Instead, the e-mail delivered the malware that ultimately captured banking credentials for the company.

Two days later, the hackers' computers accessed the company's accounts at PNC Bank, created an electronic fund transfer and moved \$198,234.93 to an account at SunTrust Bank in Atlanta. The next day, the hackers used another electronic transfer to move the money to accounts in Great Britain.

To draw attention away from the massive transfers, the hackers often created a diversion, such as a "denial of service" attack that would bombard the website with traffic in an attempt to shut it down, the law enforcement official said. While the business scrambled to protect its portal, the hackers would push the wire transfer through unnoticed for hours, the official said. By the time the bank realized the money was missing, the hackers had laundered it through so many accounts it became untraceable.

"Fraudulent wires in the amount of \$1 million were very common," FBI Special Agent Elliott Peterson wrote in an affidavit.

Peterson's analysis of one U.S. bank's transaction logs found more than \$8 million in Zeus-related losses over 13 months beginning in July 2012.

The syndicate also frequently targeted U.S. hospitals, taking control of the large payroll systems and redirecting direct deposits to hacker-controlled accounts, Peterson wrote.

The hackers also used the Zeus botnet to deploy CryptoLocker, the malware that encrypts a computer's data and locks it up unless a victim pays a ransom. The ransoms, which reached as high as \$750, had to be paid in untraceable money cards or bitcoin. The FBI estimates CryptoLocker infected 230,000 computers, including 120,000 in the U.S.

The FBI and private computer security firms have disrupted "botnets" before. Most "botnets" rely on a small number of "command-and-control" servers operated by the hacker that issue orders to the infected computers. Law enforcement can disrupt network by capturing and shutting down the command servers. But the Gameover Zeus network was different.

Instead of a centralized command structure, Zeus made every infected computer part of the control structure, allowing them to traffic stolen data through any computer in the network. Other computers acted as relay points, sending the stolen data back to the hackers and disseminating orders for the network.

"Gameover Zeus is the grandchild of the original Zeus and it's much more sophisticated in every way," says Tom Kellermann, chief cyber security officer for Trend Micro, a computer security firm in Dallas, one of many firms that gave technical assistance to the FBI.

Bogachev "is a next generation hacker," Kellermann said. "He's one of the elite actors in cyberspace."

HOW THEY CRACKED THE CASE

A key break in the case came from a compromised computer server in the United Kingdom that FBI agents at

first believed served as a communications hub for the hackers. British police secretly copied the contents of the server.

On the server, FBI agents found a password-protected site visitcoastweekend.com that included a detailed ledger of hundreds of financial transactions with dates, company names and amounts, court papers say. Among them was the Pennsylvania plastics company and an entry noting a \$198,000 wire transfer stolen Oct. 20, 2011. Ultimately, agents found that every transaction matched bank fraud reports.

A confidential informant tipped the FBI off to the syndicate administrator's email address, court papers say. From the emails, obtained through a search warrant served on a U.S. online provider, FBI agents linked the address to Bogachev and the server logs that hosted the website where agents found the ledger.

"We had to back track the computer traffic from server to server, from country to country," says FBI Special Agent Tim Gallagher, special agent in charge of the cyber crime division at the Washington Field Office, which led the investigation into CryptoLocker. "As we unwound this case, we needed and enlisted the help of numerous foreign countries."

Gallagher said Russian authorities are cooperating on the case.

Once the FBI understood the network's structure, the cyber squad devised a massive technical plan to take it down. Analysis of the network found the hackers need just 24 hours to completely update their system and respond to private industry attempts to block them, court papers say.

In addition to severing the network's communication channels with the infected computers, the FBI also needed to dismantle a computer algorithm that generated more than 1,000 complicated web domain names every week. The network used the names, usually complicated, nonsensical combinations of letters ending in .com, .net or .biz, to create the check-in website for the infected computers to deliver their stolen credentials.

Private security researchers reverse engineered the algorithm so the FBI could accurately predict which names would be generated each week.

As part of the take down, the FBI seized the domain names so when the infected computers began their weekly check-in they were routed instead to a safe FBI-controlled computer.

"Blocking the malware isn't enough. That will just delay them for a day," says Shawn Henry, a former assistant executive director at the FBI and now chief security officer at CrowdStrike, which helped reverse decode the algorithm. "Disrupting the infrastructure is a big, big step."

When the take down began early Friday morning, the cyber criminals responded with countermeasures to regain

control of the network, the senior law enforcement official said..

They failed.

U.S. Indicts Notorious Russian Hacker

By Kelly Riddell

[Washington Times](#), June 4, 2014

A Russian hacker was charged with directing a worldwide network of computer servers used and manipulated by cybercriminals to spread malicious viruses and systematically steal millions of dollars from consumers and businesses, the U.S. Justice Department said Monday.

In an internationally coordinated effort, Evgeniy Mikhailovich Bogachev, 30, of Anapa, Russia, was named in a 14-count indictment unsealed Monday in Pittsburgh.

Mr. Bogachev, nicknamed "Slavik" in court documents, is notorious in the hacking community for leading a gang of Russian and Ukrainian cybercriminals that would steal millions of dollars in online banking transactions. The gang created and proliferated the so-called "Gameover Zeus Botnet," a sprawling network of infiltrated Microsoft Windows computers that infected as many as 1 million systems globally and stole more than \$100 million in online banking transactions.

Mr. Bogachev is "one of the most prolific cyber actors in the world," said FBI Executive Assistant Director Robert Anderson Jr. in a press conference. The U.S. government charges filed against him include conspiracy, computer hacking, wire fraud, bank fraud and money laundering, among others. Mr. Bogachev is also charged in Omaha with conspiracy to commit bank fraud for his alleged involvement with an earlier version of the Zeus malware.

Last week, the Justice Department took aim at Beijing with the indictment of five Chinese army hackers on charges of stealing U.S. business and intellectual property secrets — the first move against a nation-state for cybercrimes. That indictment, along with Monday's announcement of the Russian hacker, suggests the Obama administration is becoming more serious about prosecuting and defending its cybersecurity turf.

"The sophisticated computer malware targeting of U.S. victims by a global criminal enterprise demonstrates the grave threat of cybercrime to our citizens," said U.S. Attorney Deborah R. Gilg at Monday's press conference.

Gameover Zeus was the "most sophisticated botnet the FBI and our allies have ever attempted to disrupt," added the FBI's Mr. Anderson.

The indictment against Mr. Bogachev concerns only one victim, Haysite Reinforced Plastics of Erie, in northwestern Pennsylvania, according to The Associated Press. According to the indictment, two of the transfers went through — one for about 198,000 and one for about 175,000, but Haysite was able to block the other six attempts.

A related civil complaint gave other brief descriptions of victim entities: an unspecified American Indian tribe in Washington state; an insurance company and a firm that runs assisted-living centers in Pennsylvania; a local police department in Massachusetts; a pest control company in North Carolina; and two Florida businesses, a restaurant and a regional bank.

The Gameover Zeus software would intercept passwords and other private information used to conduct wire transfers, and then initiate or redirect wire transfers from victims' bank accounts to foreign bank accounts controlled by the criminals, James M. Cole, deputy attorney general at the Justice Department said in Monday's press conference.

In a separate action, U.S. and foreign law enforcement officials also worked together to seize computer servers central to the malicious software or "malware" known as Cryptolocker, a form of "ransomware" that encrypts sensitive files and passwords on victims' computers until they agree to pay a ransom to the hacker.

As of April, Cryptolocker had infected more than 200,000 computers worldwide — with more than half of the attacks occurring in the U.S. — and collected more than \$27 million in ransom payments for the hackers, Justice Department officials said. The malware was spread using Gameover Zeus-controlled computer network.

Russian Evgeniy Bogachev Sought Over Cybercrime Botnet

The US has charged a Russian man with being behind a major cybercrime operation that affected individuals and businesses worldwide.

By By Dave Lee, Technology Reporter, Bbc News

[BBC News](#), June 4, 2014

Evgeniy Bogachev, said to be known as "lucky12345" and "slavik", is accused of being involved in attacks on more than a million computers.

The charges came as authorities seized control of a botnet used to steal personal and financial data.

Computer users were urged to run checks to protect themselves from the threat.

In a press conference held on Monday, the US Department of Justice said it believed Mr Bogachev was last known to be residing in Anapa, Russia.

Cooperation with Russian authorities had been "productive", a spokesman added.

In an entry added to the FBI's Cyber Most Wanted list, it stated: "He is known to enjoy boating and may travel to locations along the Black Sea in his boat."

His charges, filed in a court in Pittsburgh, included conspiracy, wire, bank and computer fraud, and money laundering.

The UK's National Crime Agency (NCA) said people probably had "two weeks" before the criminals would get the botnet functioning again, and posted advice on how to best protect computers.

Internet service providers (ISPs) will be contacting customers known to have been affected by either letter or email. The first notices were sent out on Monday, the BBC understands.

Advice from Get Safe Online

Install internet security software from companies listed on Get Safe Online's Facebook and Google+ profiles to download a free tool to scan for Gameover Zeus and CryptoLocker, and remove them from your computer

Do not open attachments in emails unless you are 100% certain that they are authentic

Make sure your internet security software is up-to-date and switched on at all times

Make sure your Windows operating system has the latest Microsoft updates applied

Make sure your software programs have the latest manufacturers' updates applied

Make sure all of your files including documents, photos, music and bookmarks are backed up and readily available in case you are no longer able to access them on your computer

Never store passwords on your computer in case they are accessed by Gameover Zeus or another aggressive malware program

The action related to a strain of malware – meaning malicious software – known as Gameover Zeus.

Malware is typically downloaded by unsuspecting users via what is known as a phishing attack, usually in the form of an email that looks like it comes from somewhere legitimate – such as a bank – when in fact it is designed to trick a person into downloading malicious software.

Once installed on a victim's machine, Gameover Zeus will search specifically for files containing financial information.

If it cannot find anything it deems of worth, some strains of Gameover Zeus will then install Cryptolocker – a ransomware program that locks a person's machine until a fee is paid.

The FBI said Gameover Zeus could be responsible for "financial losses in the hundreds of millions of dollars". Global action

In what has been described as the biggest ever operation of its kind, servers all over the world were raided simultaneously by the authorities.

"The scale of this operation is unprecedented," said Steve Rawlinson from Tagadab, a web hosting company involved in the take-down effort.

"This is the first time we've seen a co-ordinated, international approach of this magnitude, demonstrating how seriously the FBI takes this current threat."

Please turn on JavaScript. Media requires JavaScript to play.

Rory Cellan-Jones reports on a "powerful computer attack", which people have two weeks to protect themselves from

The action meant the authorities could direct what are known as Command and Control (C&C) servers – the machines that control the operation of the botnet.

With the C&C servers under police control, criminals should temporarily be unable to manage the computers they hijacked – but only until they are able to set-up new C&C servers elsewhere.

All computer users are being urged to make sure that the malware has not infected their machines.

"This warning is not intended to cause you panic but we cannot over-stress the importance of taking these steps immediately," said UK-based Get Safe Online, a government-backed organisation that has published a list of software it recommends for the task.

Hi-tech crime terms

Bot – one of the individual computers in a botnet; bots are also called drones or zombies

Botnet – a network of hijacked home computers, typically controlled by a criminal gang

Malware – an abbreviation for malicious software ie a virus, Trojan or worm that infects a PC

Ransomware – like malware, but once in control it demands a fee to unlock a PC

"This is because the UK's NCA has taken temporary control of the communications used to connect with infected computers, but expects only a very limited window of opportunity to ensure you are protected."

Technical problems caused some users to become unable to access the Get Safe Online website on Monday afternoon.

A spokesman said: "We have been overwhelmed by the interest of those trying to take action to protect themselves by visiting our page.

"We are sorry about this and are working very hard to make the page available as quickly as possible. In the meantime, the advice can be accessed via our Facebook and Google+ pages."

More detailed information on the threat was published by the US Computer Emergency Readiness Team (Cert). 'Quarantined computers'

Following a slew of high-profile hack attacks in recent weeks – including eBay, Spotify and shoe retailer Office – security expert Rik Ferguson raised concerns that computer users might be suffering from "notification fatigue".

However, he stressed that this operation was more targeted, and should not be ignored.

"I think one of the things that is really critical with this operation is that if people are infected, it's going to be completely invisible to them," the Trend Micro security researcher said.

The FBI said cooperation with Russian authorities had been "productive"

"One of the strengths of this operation is not only that it involved organisations around the world, but that it involved the ISPs as well.

"The ISPs will go out and proactively notify any of their customers who are infected."

He suggested that machines known to be infected by serious malware should be placed in a quarantined environment until the threat was removed.

"Making it uncomfortable, if not impossible, to use the internet is one of the most effective ways to do that," he said.

Feds Whack Gameover Zeus & Cryptolocker; Bogachev Wanted

[Techie News](#), June 4, 2014

A global network of 500,000 to 1 million compromised computers by Gameover Zeus Botnet has been knocked down, while the man allegedly behind it – Evgeniy Mikhailovich Bogachev – being indicted as well.

The US Justice Department on Monday announced an international law enforcement operation on Gameover Zeus – "Operation Tovar," in collaboration with FBI, Europol, the UK's National Crime Agency and several security firms including McAfee, Symantec, CrowdStrike, Dell, SecureWorks, and Trend Micro.

"Gameover Zeus is the most sophisticated botnet the FBI and our allies have ever attempted to disrupt," FBI Executive Assistant Director Robert Anderson Jr. said in a statement.

"The efforts announced today are a direct result of the effective relationships we have with our partners in the private sector, international law enforcement, and within the U.S. government."

In another sneak attack, the US and foreign law enforcement officials have seized the servers central of the most widespread and malicious malware – Cryptolocker – that locks files with strong encryption until the victim pays a ransom demand. The investigation identified the Gameover Zeus botnet network to be the distribution mechanism for Cryptolocker.

"We succeeded in disabling Gameover Zeus and Cryptolocker only because we blended innovative legal and technical tactics with traditional law enforcement tools and developed strong working relationships with private industry experts and law enforcement counterparts in more than 10

countries around the world." Deputy Attorney General James Cole said in a statement.

A 14-count indictment in Pittsburgh charges Russian citizen Bogachev, aged 30, with operating both the schemes – Gameover Zeus and Cryptolocker, in the online aliases "Pollingsoon," and "Slavik" along with a tightly knit gang of cyber-criminals in Ukraine and Russia.

The FBI claims that Gameover Zeus, first emerged in September 2011, has inflicted damages of totals more than \$100 million.

Cryptolocker, adding to it, had more than \$27 million in ransom payments, within just 2 months since its first appearance in September 2013.

Victims affected by Cryptolocker, were forced to pay as much as \$700, to unlock their files. As of April, more than 234,000 computers had been victims of Cryptolocker in the UK alone.

Judge Lets US Intercept Info From Hacked Computers

By Joe Mandak

[Associated Press](#), June 4, 2014

PITTSBURGH (AP) — The Justice Department can continue to intercept information from 350,000 computers worldwide that are known to be infected with a data-stealing virus being spread by an alleged Russian computer hacker and his conspirators, a federal judge said.

Justice Department attorneys told U.S. District Judge Arthur Schwab the affected computers will remain linked to a government-provided substitute Internet server until the malicious software can be removed. The substitute server lets the government track the Internet addresses of the infected computers and pass them on to Internet service providers or government agencies in countries, so that computer-owners can be alerted to infections.

The hackers are allegedly led by a 30-year-old Russian man, Evgeniy Bogachev, who is not in custody. The hackers infected computers with a piece of malicious software that captured bank information used to drain more than \$100 million from accounts or another that locked computer files until ransom payments were made.

Tuesday's hearing on the preliminary injunction was held in Pittsburgh, where the Justice Department has charged Bogachev with siphoning more than \$370,000 from a western Pennsylvania plastics firm using the virus known as Gameover Zeus.

The injunction issued Tuesday extends a temporary order the judge issued last week when Justice Department attorneys notified the court of the scam in sealed documents.

Since then, the government has moved to seize key computer servers in Canada, Ukraine and Kazakhstan, which were used to spread the ransom-demanding virus known as

Cryptolocker. Victims included the Swansea, Massachusetts, police department, which paid a \$750 ransom using the virtual currency Bitcoin to unlock its computer files.

Other businesses, including an eastern Pennsylvania assisted living company and a North Carolina pest control firm, paid \$70,000 and \$80,000, respectively, to have employees or computer experts fix their Cryptolocker-infected computers.

Schwab issued his order based on a 28-page report filed by a Pittsburgh FBI computer expert, Special Agent Elliott Peterson. Among other things, the report says 230,000 computers had been infected by Cryptolocker since mid-2013, including 120,000 in the United States. It's unknown how many of those computer owners paid ransoms to unlock their files, the report said.

The Cryptolocker servers have been "dismantled," Justice Department attorney Ethan Arenson told the judge.

Additionally, "350,000 infected computers have been liberated from the Gameover Zeus botnet" — an automated network spawned by the data-stealing virus — by connecting them to the government's substitute server, Arenson said.

Those computer owners can get help removing the malicious software at a website maintained by the Department of Homeland Security, <https://www.us-cert.gov/gameoverzeus>.

Judge Schwab granted the injunction after no one representing Bogachev or the other alleged hackers appeared in court to contest it. The judge ordered the government attorneys to file a report by July 11 to update the progress being made to fix infected computers.

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Little Public Action In Chinese Cyberspying Case

By Eileen Sullivan And Eric Tucker

[Associated Press](#), June 4, 2014

WASHINGTON (AP) — Two weeks ago, Attorney General Eric Holder vowed to bring to a U.S. courtroom five members of the Chinese military who the U.S. accused of hacking computers for economic espionage purposes. The FBI even published "Wanted" posters with pictures of all five.

But nothing has publicly happened since then. The men have yet to be placed on a public, international list of wanted criminals. And there is no evidence that China would even entertain a formal request by the U.S. to extradite them.

Short of the five men flying to the U.S. for a vacation, there's no practical way they could be arrested outside China without help from foreign governments. It's also unclear whether the charges levied by the U.S. are recognized internationally as crimes.

"Our intention is for the defendants to have due process in an American court of law," Holder said on May 19.

Now, weeks later, those prospects look less likely than ever, illustrating the complex legal and diplomatic issues posed by the unprecedented indictment. There may be no viable options for Holder to make good on his word.

"The next step needs to be us, here in the U.S., saying this is not just a U.S.-China issue," said Shawn Henry, former cyber director at the FBI and now president of CrowdStrike Services, a security technology company. "This is a China-versus-the-world issue."

So far, the U.S. does not appear to have the world on its side. No country so far has publicly expressed support for the groundbreaking criminal charges.

Neither officials in China nor the United States said they would comment on any efforts by American prosecutors to arrest the Chinese military officers. The White House and State Department directed inquiries to the Justice Department, where spokesman Marc Raimondi said, "Our investigation is active, and we are not going to comment on specific actions to locate the individuals charged in the indictment."

A federal grand jury charged the five Chinese officials with hacking into five U.S. nuclear and technology companies' computer systems and a major steel workers union's system, conducting economic espionage and stealing confidential business information, sensitive trade secrets and internal communications for competitive advantage.

The U.S. and China have no extradition treaty. And China's laws preclude extraditing its own citizens to countries where there is no treaty.

China has denied the hacking allegations and wants the U.S. to revoke the indictment.

"The Chinese are obviously not going to extradite their officials to the U.S.," said John Bellinger, the former legal adviser to the State Department. For this reason, Bellinger, now a partner at the law firm Arnold and Porter, said he does not expect the U.S. to make the request. "To ask them to do something that they're obviously going to then deny makes (the U.S.) look ineffectual."

The U.S. can ask Interpol, the international criminal police organization, to place defendants on its "red notice" list of wanted fugitives, which would alert the 190 member countries if the men were to travel outside of China. But the five Chinese military officers weren't added to Interpol's public list as recently as Tuesday, although there were 24 other Chinese citizens on that list wanted by the U.S. on charges that included fraud, sexual assault, arson and smuggling.

Raimondi, the Justice Department spokesman, would not say whether the U.S. had asked Interpol to assign red notices to the men. Interpol does not allow red notices in cases it considers political in nature, but a spokeswoman,

Rachael Billington, declined to say whether Interpol considers economic espionage to be political.

A former Interpol official said especially sensitive international cases are far more complex.

"In this kind of case, where it has a lot of attention around the world and involves superpowers, it's going to be more under a microscope about what they have," said Timothy Williams, former director of Interpol's national central bureau in Washington, and now the general manager of G4S Secure Solutions, a security consulting company.

Interpol sometimes circulates secret red notices, such as cases involving sealed indictments or arrest warrants. But listing the five Chinese men secretly on Interpol's list would not be effective in this case, since China is a member of Interpol and would see that the U.S. wants them detained if they were to travel outside China.

The Chinese defendants could argue they are immune from prosecution in the U.S. under international law. Such claims are so often contested that the issue is currently under review by a United Nations commission, said Tim Meyer, a law professor at the University of Georgia. Meyer expects the indictment of the five Chinese military officials to come up during the U.N. discussions.

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NATIONAL SECURITY NEWS

Another Judge Upholds NSA Call Tracking

By Josh Gerstein

[Politico](#), June 3, 2014

A federal judge in Idaho has upheld the constitutionality of the National Security Agency's program which gathers massive quantities of data on the telephone calls of Americans.

The ruling Tuesday from U.S. District Court Judge B. Linn Winmill leaves the U.S. Government with two wins in lawsuits decided since the program was revealed about a year ago by ex-NSA contractor Edward Snowden. In addition, one judge handling a criminal case ruled that the surveillance did not violate the Constitution.

Opponents of the program have only one win: U.S. District Court Judge Richard Leon's ruling in December that the program likely violates the Fourth Amendment.

In the new decision, Winmill said binding precedent in the Ninth Circuit holds that call and e-mail metadata is not protected by the Constitution and no warrant is needed to obtain it.

"The weight of the authority favors the NSA," wrote Winmill, an appointee of President Bill Clinton.

Winmill took note of Leon's contrary decision and called it eloquent, but concluded it departs from current Supreme Court precedent—though perhaps not for long.

"Judge Leon's decision should serve as a template for a Supreme Court opinion. And it might yet," Winmill wrote as he threw out the lawsuit brought by an Idaho registered nurse who objected to the gathering of data on her phone calls.

Winmill's opinion (posted here) does not address an argument put forward by some critics of the program, including some lawmakers: that the metadata program violates federal law because it does not fit squarely within the language of the statute used to authorize it.

In January, President Barack Obama endorsed the idea of ending the NSA program, but maintaining its intended capability to seek out information about possible terrorist attacks. The House passed a bill last month that would instead store the data with telephone companies and have the government obtain it on a case-by-case basis, usually with advance approval from a judge. The full Senate has yet to act on the issue, although the Senate Intelligence Committee approved a measure last year that would keep the present program in place with additional safeguards.

Judge Dismisses Lawsuit Over NSA Cellphone Data

[Washington Times](#), June 4, 2014

BOISE, Idaho — A federal judge has dismissed a lawsuit an Idaho woman filed against President Barack Obama and other federal officials over the National Security Agency's collection of cellphone information.

U.S. District Judge Lynn Winmill ruled Tuesday that under current U.S. Supreme Court precedents, the NSA's collection of cellphone data doesn't violate the Fourth Amendment's prohibition of unreasonable searches.

The lawsuit was filed on behalf of Anna J. Smith of Coeur d'Alene, Idaho. The Spokesman-Review reports that her lawyers plan to appeal.

Smith said that her cellphone is her primary means of communication with family and friends, her employer and others, and her communications are none of the government's business.

The NSA collects the number that placed a call, the number called and how long the call lasted.

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Idaho Judge Asks Supreme Court To End NSA Phone Surveillance

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Judge Doubts NSA Program Is Constitutional—but Upholds It Anyway

[National Journal](#), June 4, 2014

A federal judge in Idaho upheld the NSA's controversial phone surveillance program Tuesday.

But Judge B. Lynn Winmill seemed to invite the Supreme Court to overturn his decision. He suggested that the program, which collects data on millions of U.S. phone calls, likely violates the Fourth Amendment's prohibition of unreasonable searches and seizures.

Winmill upheld the program because he concluded that his hands were tied by current Supreme Court precedent.

He pointed to the Supreme Court's 1979 decision in *Smith v. Maryland*, which held that people don't expect privacy in the phone numbers they dial.

The controversial NSA program, which was revealed by Edward Snowden last year, collects "metadata" such as phone numbers, call times, and call durations, but not the contents of any conversations.

Last year, Richard Leon, a federal judge in Washington, D.C., ruled that the program was likely unconstitutional. Leon argued the NSA's surveillance is far greater than what the court envisioned in *Smith v. Maryland*, and that the ubiquity of cell phones means that metadata is more revealing than it used to be.

In Tuesday's decision, Winmill wrote that Leon crafted a "thoughtful and well-written decision."

"Judge Leon's decision should serve as a template for a Supreme Court opinion," he wrote. "And it might yet."

But he concluded that he is bound to follow the *Smith* ruling until the Supreme Court overturns it.

New NSA Chief Seeks To Reassure Public On Surveillance

By Ellen Nakashima

[Washington Post](#), June 4, 2014

The new director of the National Security Agency on Tuesday acknowledged that the agency uses facial-recognition tools but said the intent is primarily to identify terrorists and help prevent attacks — adding that such technologies are not broadly directed against Americans.

"We do not do this on some unilateral basis against U.S. citizens," said Adm. Michael S. Rogers, in some of his first public remarks since taking the helm of the embattled spy agency two months ago.

A year after the first leaks emerged about the scope of NSA surveillance programs, Rogers is seeking to reframe the public debate that has damaged the reputation and morale of the NSA, saying the public needs to understand not just what the organization does but also why it does it and under what limits.

Speaking at a Bloomberg cybersecurity conference, Rogers said the agency does not have access to drivers' licenses or passport photo databases to search for Americans. The *New York Times* reported Sunday that the agency harvests about 55,000 "facial recognition quality images" on a daily basis as part of its global surveillance operations.

"Our mission at the NSA is very explicit — foreign intelligence and [cybersecurity]," he said. "If we do anything against U.S. persons, we have specific legal constraints that we must apply. We just don't unilaterally decide, 'Hey, today I'm going after Citizen X, Y and Z.'"

Leaks by former NSA contractor Edward Snowden have revealed, for instance, that the agency has been collecting and recording an entire foreign nation's phone calls and has tracked large numbers of cellphone locations overseas for foreign intelligence purposes.

Rogers argued that the public has not focused on the protections afforded Americans in its collection efforts. "If we come to a realization that someone we're tracking has a U.S. connection that we were unaware of, in broad terms, we have to stop what we're doing," he said. "If we think there's a legal basis to this, then we have to get a legal authority or justification" to continue.

But he did not address what happens with the communications of Americans who are not targeted but whose data is swept up anyway, either because they are in contact with a target or because of the way data is collected. How much of that data is being collected today, how often that data is searched for Americans' communications, and how strong the protections ought to be are still matters of debate.

This is particularly an issue in an era in which digital communications zip around the globe, defying the distinctions created by a privacy system that places greater restrictions on data intercepted on U.S. soil.

Rogers also sought to broaden public concern beyond what the spy agency is doing to the vast amounts of digital data being collected through other means or by private companies — "whether it's the cameras out on the street or every one of your personal digital devices constantly asking you, 'Can I share where you are?'"

He added: "We have framed this debate way too narrow, from my perspective. This is much bigger than the National Security Agency."

Rogers did not, however, discuss the deeper questions of why it is in the nation's interest for the agency to collect such large amounts of digital data and whether pervasive surveillance will diminish user trust in the Internet.

Asked his opinion of Snowden, who was recently interviewed by NBC News, Rogers said he seemed to be "an intelligent individual, articulate." But, he added: "He seemed fairly arrogant . . . I fundamentally disagree with what he did."

Asked whether he thought that Snowden, who is in Russia under temporary asylum, could be a double agent, Rogers said: "Probably not." But, he added, an investigation continues.

NSA Not Amassing Americans' Photos For Face-recognition Program, Chief Says

By Noelle Swan

[Christian Science Monitor](#), June 4, 2014

Adm. Michael Rogers, chief of the National Security Agency, acknowledged Tuesday that the NSA uses facial recognition technology to investigate foreign intelligence and counterterrorism targets, but he insisted that photos of Americans are generally off limits unless those individuals are linked to an investigation of a foreign subject.

"We have very specific restrictions when it comes to US persons," Rogers told attendees of a Bloomberg Government cyber-security conference, according to Bloomberg. "In broad terms, we have to stop what we're doing if we come to the realization that somebody we're monitoring or tracking has a US connection that we were unaware of."

The blogosphere erupted after a New York Times report on June 1, based on documents leaked by former-NSA contractor Edward Snowden, said the spy agency is amassing a database of millions of images for use in its facial recognition program.

When the Times asked NSA spokeswoman Vanee Vines whether the agency is collecting images that Americans have shared on social media, she declined to comment.

Rogers's comments Tuesday imply that the NSA is not routinely sweeping up and curating images of Americans online or their driver's license photos. His willingness to discuss the issue with Bloomberg marks a step toward greater NSA transparency, something the admiral has advocated since he took the helm of the NSA and US Cyber Command in April.

During his Senate confirmation hearing in March, Rogers pledged to "be as transparent as possible about what we're doing [at the NSA] and why," Reuters reported.

The NSA track record for transparency would not be described as good. Secrecy is so ingrained in the NSA mission that the organization has been jokingly referred to as No Such Agency. The series of documents made public by Mr. Snowden and cooperating news outlets over the past year has helped to cement that reputation.

Snowden's revelations have forced a national dialogue about how far the federal government should be able to reach into the private lives of citizens at home and abroad in the name of national security.

The House last month approved legislation to rein in the scope of NSA surveillance, which had been extended after

9/11 under the USA Patriot Act. The new measure, the USA Freedom Act, prohibits the bulk collection of data about domestic phone calls. The Senate has yet to vote on the bill.

Rogers told conference attendees that the "broad dialogue of what we're doing and why is a good thing for us as a nation. I don't question that for one minute," The Guardian's Spencer Akerman reports. Mr. Akerman's report notes that "he neglected to mention that the agency and its allies worked behind the scenes last month to weaken privacy and transparency provisions in a major surveillance reform bill."

NSA Not Amassing Americans' Photos For Face-recognition Program, Chief Says (+video)

The US spy agency is using facial recognition software, the NSA's Michael Rogers confirms. But images of foreign targets, not Americans, are the focus of NSA attention. Photos of Americans 'have very specific restrictions,' he says.

By Noelle Swan

[Christian Science Monitor](#), June 4, 2014

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NSA Directors Split Over Russian Influence Over Snowden

By Jonathan Allen And Phil Mattingly
[Bloomberg News](#), June 4, 2014

The current and former directors of the U.S. National Security Agency are at odds over whether onetime government contractor Edward Snowden may be collaborating with the Russian government.

"I think he's working for them," General Keith Alexander, who stepped down as NSA director in March, said in an interview today on Bloomberg Television with Street Smart anchor Trish Regan. "I wouldn't go so far as to say a double agent, but he's working for someone."

Alexander, a retired four-star Army general, offered no evidence to support the charge that Snowden, who revealed secret U.S. data-collection programs last year, is in league with Russia. The former U.S. intelligence contractor has denied any links to Russian intelligence.

Alexander's statements came just a few hours after Admiral Michael Rogers, the current NSA director and head of U.S. cyber command, said he doesn't think it's likely that Snowden worked with another government.

"Could he have? Possibly," Rogers said at a Bloomberg Government cybersecurity conference in Washington. "Do I believe that that's the case? Probably not."

The appearance of a split between the two NSA directors shows how elusive information about Snowden and his activities has been for the top intelligence officials in the

U.S. The former contractor, who fled the U.S. and was granted temporary asylum in Russia, said in an interview with NBC last week that he isn't working for the Kremlin.

"I have no relationship with the Russian government," Snowden said in the interview. "I've never met the Russian president. I'm not a spy, which is the real question."

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U.S. Lawyer Asks Judge To Keep Surveillance Rulings Secret

By Bob Egelko

[San Francisco Chronicle](#), June 4, 2014

Trying to stem the flow of disclosures about government surveillance of its own citizens, an Obama administration lawyer urged a Bay Area federal judge Tuesday to keep sealed a handful of court rulings and other documents on the scope of the once-secret program.

Among them were the names of phone companies that an administration aide publicly identified in March.

"Inadvertently produced documents can remain a state secret," Justice Department lawyer Steven Bressler told U.S. District Judge Yvonne Gonzalez Rogers of Oakland in a hearing on a nationwide lawsuit that has already produced hundreds of pages of records of the National Security Agency program.

The breakthrough came a year ago, when former NSA contractor Edward Snowden disclosed a ruling by the secretive Foreign Intelligence Surveillance Court upholding an order that Verizon turn over phone records of U.S. customers to the agency. Over the next few months, at Gonzales Rogers' orders, the government released additional documents, including a ruling by the secret court that said the NSA appeared to be "in flagrant violation" of judicial rules for the surveillance program. More rulings sought

The Electronic Frontier Foundation, a San Francisco privacy-rights group that filed the disclosure suit, is still seeking 52 pages of undisclosed documents. They include five rulings by the secret court between 2006 and 2010 on the NSA's use of the phone records, an opinion by the Justice Department's Office of Legal Counsel on whether the Commerce Department should turn census data over to the NSA, and the identities of telecommunications companies that were ordered to produce their records, said the foundation's lawyer, Mark Rumold.

He noted that Geoffrey Stone, a University of Chicago law professor appointed to President Obama's NSA review

panel, wrote an online article in March that named the three companies: Sprint, Verizon and AT&T.

"I don't see how any harm could flow now that the information is widely available," Rumold told the judge.

But Bressler said Stone was a government contractor who wasn't speaking for the administration and, in any event, had hedged his words – saying only that "companies like Sprint, Verizon and AT&T" were required to give their records to the NSA. 'Line-by-line review'

Since the leaks to the media, Bressler said, intelligence officials at Obama's direction have conducted "an extraordinary line-by-line review" of undisclosed documents and have released "as much as possible without doing even greater damage to national security."

The two sides also disagreed about whether the undisclosed opinion by the Office of Legal Counsel, which provides legal advice to the Justice Department and other federal agencies, belongs in the same category as the attorney general's legal opinions, which normally are made public.

Early in his administration, Obama released formerly secret opinions by President George W. Bush's Office of Legal Counsel – written by John Yoo, now a UC Berkeley law professor, and approved by Jay Bybee, now a federal appeals court judge – that gave a green light to waterboarding, widely considered torture under international law. But Bressler argued that the office's memo to the Commerce Department was "confidential legal advice" exempt from disclosure.

Gonzalez Rogers said she would rule later.

Syrians Vote In Election Everyone Knows Assad Will Win

By Mitchell Prothero And Jonathan S. Landay
[McClatchy](#), June 3, 2014

ISTANBUL — The Syrian government carried off its anointment of President Bashar Assad to another seven years in office on Tuesday pretty much as everyone had expected it would — with a huge celebratory turnout in government-controlled areas, angry denunciations from the United States that the exercise was illegitimate, and a surprising lack of rebel efforts to disrupt the balloting.

Turnout was difficult to estimate, and it seemed unlikely such a metric had any meaning in a country where nearly half the population has been forced from its homes by war and entire provinces lie outside government control, either ruled by armed rebels or sharply contested among competing armed groups. Millions of Syrians in rebel-controlled areas couldn't have voted even if they'd wanted to, and millions more weren't in any position to cast ballots from the squalid refugee camps and irregular settlements of neighboring countries that they now inhabit.

An Assad victory was a foregone conclusion — Assad faced two politically empty candidates with long histories of loyalty to the Assad family — and it would be difficult to argue with the British Foreign Office's assessment of the polling as "a grotesque parody of democracy."

Still, the exercise was useful to show how support for Assad may be faring in a country where a civil war over his tenure has cost the lives of more than 160,000 people in the past three and a quarter years.

Turnout was very high in relatively peaceful areas loyal to the government, while observers in Damascus said there were fewer voters than expected — possibly because of the threat of attacks by rebels, who have frequently targeted the capital with car bombs and mortar fire.

Security was extremely tight in Damascus, with more armed security forces on the streets than usual and vehicles receiving more scrutiny because of fears of rebel car bombs, said a resident reached by telephone who asked not to be identified because of security fears.

"They are checking every car. They've heard there could be car bombs," said the resident, who added that even military vehicles were being searched at checkpoints around the city.

But the potential for violence didn't stop boisterous regime supporters from taking to the streets in processions of vehicles smothered in Assad posters and flying Syrian flags, the resident said. The processions crawled along as participants sang pro-Assad songs and danced in the hot sun.

"In many places, there are crowds dancing and singing for Bashar," the resident said.

Polling stations were set up in schools, government offices and even in prefabricated roadside huts, and long, orderly lines of people waited to cast ballots.

Voters were required to show their identity cards, the information from which was recorded by election officials. They'd then be given ballots embossed with the names and pictures of Assad and his two nominal challengers, Hassan Nouri, a U.S.-educated businessman and former junior Cabinet minister, and Maher Hajjar, a member of Parliament.

Voters were instructed to take their ballots to private rooms, mark their choice, slip their ballots into envelopes and then return to the main rooms of the polling stations to deposit their envelopes in ballot boxes. Their fingers were then marked with indelible ink to prevent them from voting more than once.

But in an effort to publicly demonstrate their fealty to the family that has ruled Syria with an iron hand for four decades, many marked their choice of Assad in the main rooms in full view of election officials and others waiting to cast their ballots.

"Most of the people are doing it straight in the open," said the resident, who visited numerous polling stations around the city.

The voting proceeded amid the intermittent sounds of gunfire and the occasional roar of military jets as rebels holding a string of Damascus suburbs fired at surrounding regime forces, the resident said.

"There is some shelling but not much," said the resident. "We were waiting for worse."

The reason, according to rebel groups, was a decision by the largest militant groups — the moderate Free Syrian Army and the Islamist coalition the Islamic Front — not to conduct attacks on polling stations that might kill or maim civilians, recognizing that many Syrians were being coerced into participating.

There would be not be attacks, the Islamic Front said in a statement, "because we decided not to involve civilians in the conflict" and have requested that other groups do the same.

The "other groups" was a reference to the al Qaida's Syrian affiliate, the Nusra Front, which did not openly agree to avoid targeting voters because such a statement would seem hypocritical in light of the group's profound aversion to even legitimate democracy. Members of other groups, however, said Nusra had agreed to let the balloting happen without violence.

"We spoke with our brothers in Nusra and convinced them that such actions would be forbidden under Islam and hurt the image of the mujahedeen," said Abu Farouk al Shami, a spokesman for Suqour al Sham, a major member of the Islamic Front and a close Nusra ally. "But military operations against the Assad mercenaries will be normal."

In Lebanon, thousands of refugees flooded the Maasna border crossing in a desperate attempt to cross back into Syria to vote, driven by persistent rumors that the Syrian government would prosecute anyone who failed to cast a ballot. But the refugees made the move knowing that the Lebanese government had warned that anyone who crossed the border to vote would not be allowed back into Lebanon.

Lebanese merchants lined the highway with portable generators and copy machines so that Syrians could make copies of their papers in case authorities attempted to strip them of their refugee status when they returned to Lebanon.

Lea Gharaib, a 20-year-old woman from the Damascus countryside, said her family moved to Lebanon a year ago but that they had never claimed refugee status.

"We just live in Zahle but not as refugees," she said, referring to a nearby Lebanese town. "We tried to vote at the embassy last week, but there was too much traffic, plus Beirut is far from Zahle, it's faster to just go to Syria like this."

Her mother interrupted to declare, "We're voting because we love Bashar. He's a good man and a good president."

"Yeah, sure," Lea added, unenthusiastically.

A Lebanese man in his 50s from neighboring Majdel Anjar, who asked to be called Abu Muhammed, was running one of the photocopying stations, charging the equivalent of \$2 per person for a copy of an ID. He was thrilled at the possibility that many of his customers might not return. Lebanon, with a population of just 4 million, has become refuge for a million Syrians.

"It's better this way," he said, referring to the government's warning that Syrians voting would not be allowed back into Lebanon. "There's no work in Lebanon, the Syrians are taking all the jobs and then they take money from the U.N. as well."

"They're all scared," said another Lebanese man, Muhammed Saleh, pointing to the Syrians lining up to have their documents photocopied. "They're scared that if they don't vote the Syrian government will punish them. And if they go to Syria, they're scared the U.N. will stop the aid. They're scared from both sides."

McClatchy special correspondent Prothero reported from Istanbul, Landay from Washington. McClatchy special correspondent Susannah George contributed from Maasna, Lebanon.

As Civil War Rages, Syrians Vote For President

By Diaa Hadid And Albert Aji

[Associated Press](#), June 4, 2014

DAMASCUS, Syria (AP) — Against a backdrop of civil war, tens of thousands of Syrians voted in government-controlled cities and towns Tuesday to give President Bashar Assad a new seven-year mandate, with some even marking the ballots with their own blood.

The carefully choreographed election was ignored and even mocked in opposition-held areas of Syria where fighting persisted, with some rebels derisively dropping their shoes in a phony ballot box in a show of disgust. Western leaders also called it a sham.

A victory for Assad is likely to bolster his base of support at home and provide further evidence that he has no intention of relinquishing power, making a protracted conflict the likely outcome in fighting that has already lasted three years.

Fears that the rebels would rain down mortar shells on government-controlled territory did not materialize, but fighting persisted.

State-run media reported that voting closed on midnight Tuesday, and election officials began the process of checking the number of votes against lists of registered voters to ensure numbers matched. In one central Damascus voting booth, 2,196 people cast their ballots — all but two were for

Assad, counted an AP reporter who watched representatives of each presidential candidate tally votes.

The announcement was accompanied by wild beeping and cheering on central Damascus by Assad supporters. It was not immediately clear when election results would be announced.

Earlier in Damascus, the dull sounds of explosions reverberated in the distance as government forces and rebels battled in nearby rural towns and plumes of gray smoke marked the skyline. Several mortar rounds reportedly hit in the capital, including one that fell near the Opera House on a major plaza.

At least three fighter jets roared low over the city, which residents said was unusual. Government warplanes and helicopters pounded the rebellious Damascus suburb of Daraya, the southern city of Daraa and the nearby town of Nawa, as well as opposition-held districts of the divided northern city of Aleppo.

Voting took place only in government-controlled areas, excluding much of northern and eastern Syria. Tens of thousands of Syrians abroad voted last week, although many of the more than 2.7 million Syrian refugees across the region either abstained or were excluded by law.

There were ostentatious shows of support for the 48-year-old Assad, who has ruled Syria since 2000, when he took over after the death of his father, Hafez. There was a carnival-like atmosphere, with voters singing, banging drums and dancing with Syrian flags. Chants of "God, Syria and Bashar!" were heard.

At a polling station in the upscale Dama Rose hotel in central Damascus, a blue cup filled with pins was set out for those who wanted to vote in blood. Some pricked their fingers repeatedly to draw enough blood to mark the circle under Assad's name on the ballot – an act of allegiance and patriotism that has been used in previous elections under both Assads.

Most voted in ink, though, and some made their choice for Assad in full sight of other voters and TV cameras instead of using a curtained booth for privacy.

They said re-electing Assad would give him more legitimacy to find a solution to the devastating conflict that opposition activists say has killed more than 160,000 of their countrymen, about a third of them civilians.

Most Syrians said they believed some sort of reconciliation had to take place alongside the military crackdown, which they saw as inevitable.

"Dialogue can't be a solution when somebody is waving a gun in your face," said Zeina Habal after she voted in Damascus. "You speak to the people who have wisdom to understand, and you defend yourself at the same time."

The government has portrayed the election as the solution to the conflict, but there is no indication it will halt the violence or mend a bitterly divided nation.

"Assad's victory will not legitimize the regime, but will cement its resilience," said Ayham Kamel, an analyst with the Eurasia group in London. He said the election will also reinforce the military's recent gains and further undermine the ability of radical or moderate rebels to replace the government.

"The Western countries are claiming that they are practicing democracy, so we came here to vote to show and teach them how democracy could be," said George Saadeh, a resident of the overwhelmingly Christian district of Bab Touma.

Despite the civil war, Assad has retained support among a significant section of the population, including religious minorities who fear for their future.

The Interior Ministry said there were 15.8 million eligible voters, both inside and outside Syria, and that 9,600 voting centers were set up around the country. The committee had extended voting earlier in the day by five hours because of what it called "high turnout at the ballot box."

Assad voted in the morning at a school in his posh Damascus neighborhood of al-Malki with his wife, Asma. Both were shown on Syrian TV signing their names in a registration book after inserting their ballots in a transparent box. Crowds around him burst into applause.

It was Syria's first multicandidate presidential election in more than 40 years. Assad faced two government-approved challengers, Maher Hajjar and Hassan al-Nouri, both of whom were little known in the country before declaring their candidacy in April.

Foreign Minister Walid al-Moallem voted with a Syrian flag wrapped like a shawl in his first public appearance since undergoing heart surgery in March, saying: "The path toward a political solution to the crisis begins today."

A few polling stations operated in the capital's destroyed Old City, which was recently evacuated by hundreds of rebels after a cease-fire agreement with government forces. One station was set up in the courtyard of the heavily damaged St. Mary's Church of the Holy Belt.

"With the leadership of Bashar, my country will return to safety," said student Uday Jurusni, who voted in blood. "He is my leader and I love him."

In rebel-held territory, some residents openly derided the election.

In the northern town of Jisr al-Shughour, a group of people including armed rebels expressed their hatred for Assad by dropping their shoes in a "ballot box" made of cardboard. "We will vote for him with our shoes," one man said to the cries of "Allahu akbar," or "God is great."

In opposition-controlled eastern Aleppo, residents voted to strip Assad "the killer" of his Syrian citizenship.

Activists inside Syria referred to the voting as "blood elections" for the horrific toll the country has suffered.

Ahmad Ramadan, a senior member of the Western-backed Syrian National Coalition, described the election as “an act of deception,” while the opposition’s Western and regional allies, including the U.S., Britain, France, Saudi Arabia and Turkey, have called it a sham.

U.S. State Department deputy spokeswoman Marie Harf said the election was a “disgrace” and “staged,” adding that Assad has denied people the right to vote.

A London-based Syrian opposition figure, Muhieddine Lathkani, called the vote a “black comedy.”

“This election has no value and no one will recognize it, no matter what North Korea and Iran think about it,” he said, referring to some of Syria’s allies.

At the U.N., Russian Ambassador Vitaly Churkin criticized Western countries that believe the election ruled out any progress on the political front.

Associated Press writers Bassem Mroue, Zeina Karam and Ryan Lucas contributed to this report from Beirut.

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Pro-Assad Voters Rally As Syria Holds Elections

By Sam Dagher

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Friends Of Moner Mohammad Abusalha Saw No Indications Of Radicalization

By Frances Robles

[New York Times](#), June 4, 2014

VERO BEACH, Fla. — The storefront Islamic center tucked in a nondescript shopping center here has no imam, so the task of leading the small group of men and boys gathered to pray usually falls to the eldest, or the one who knows the Quran the best.

Moner Mohammad Abusalha was only a teenager, but the honor would sometimes go to him.

“They would encourage him because he was so enthusiastic,” said Brandon Blanchard, who attended the center and knew Mr. Abusalha for eight years.

Now Mr. Abusalha’s friends and family are trying to piece together how — and where — that passion for Islam and teaching children about the Quran turned into something more disturbing. Mr. Abusalha, 22, died last week in Syria

when he drove a truck loaded with 16 tons of explosives to a mountaintop restaurant where government forces often gathered. It was one of four suicide bombings in Idlib Province that day, in which a total of 37 people died.

The F.B.I. is also investigating how Mr. Abusalha became radicalized and whether he had connections to other Americans who traveled to Syria. F.B.I. agents have interviewed family members in Florida, and analysts from the bureau are examining whether the Nusra Front, the rebel group Mr. Abusalha joined, played a role in radicalizing him before he left the United States.

Mr. Abusalha was born in West Palm Beach to an American mother and Palestinian father. The parents had lost touch with their son over a year ago and were distraught when they saw his photo in the news on Friday, Taher Husainy, the leader of the community Islamic center, told TCPalm, a local news site.

The Abusalhas have denied requests for an interview.

“The father had a feeling — he was afraid of this,” Mr. Husainy was quoted as saying. “But you know when you’re afraid of something, but you hope it won’t happen to you.”

Mr. Abusalha’s name is pronounced Mo-neer, but his classmates called him Mo. One of four siblings, he spent his middle and high school years in Vero Beach.

“He loved to play basketball anywhere,” said Ta’Quan McDew, who played with Mr. Abusalha in both middle and high school. “He was really funny and really outgoing. We never discussed religion.”

The two hung out at his house doing typical adolescent things, such as playing video games. On Facebook, he posted Islamic prayers and sayings alongside selfies he took to show off his biceps. He liked the Miami Heat and Call of Duty.

His parents emphasized the need for him to get an education, but his attendance in school grew increasingly sporadic. When his parents insisted he stay home to study, he would sneak out to pray instead, Mr. Blanchard said.

“I thought it was really cool that he would do that,” he said.

Mr. Abusalha dropped out of Sebastian River High School, and not long afterward his mother enrolled him at St. James Academy, a correspondence school in nearby Fort Pierce. For \$150, a high school diploma is earned by completing assignments at home.

James Mason, the school’s director, remembers meeting Mr. Abusalha, who had been having problems at his school and had clearly been dragged to St. James by his mother. Mr. Mason said he remembered her because she was dressed in traditional Muslim clothing and made a point to call the office and insist that the boy’s surname be spelled with a hyphen. On his two Facebook accounts, Mr. Abusalha spelled it as one word.

"One way or another, he was going to have a high school diploma," Mr. Mason said. "His mother was going to make sure he graduated. This way she could control it, because the work is done at home."

Mr. Abusalha completed all the coursework in just two months. He graduated in March 2009, earlier than he would have if he had stayed in high school.

He first enrolled at Keiser University, a private school, but stopped attending by March 2010, according to a school spokeswoman. He later took preparatory classes for an associate degree program for physical therapist assistants at Indian River State College, but he lasted there for only two semesters.

He then transferred to Seminole State College of Florida in August 2011 to pursue an associate in arts degree. He was enrolled part time during the spring of 2012, but a school spokesman said the last contact with him had been through an adviser halfway through that semester.

Mr. Abusalha told friends that he was moving to Orlando with his brother. Then he said he was moving again, this time to Jordan. He said he had taken courses to become a nursing assistant, and his father had lined up work for him in Jordan.

"I just know he was tired of being in the United States and wanted to be in an Arabic-speaking country," Mr. Blanchard said.

"He all of a sudden disappeared," Mr. Husainy told TCPalm. "Then he appeared in Jordan and said he was working at a hospital (as a nurse). After two months or so he disappeared again. Then after six months or something, he sent an email to the parents saying, 'I'm OK, I'm happy.'"

Mr. Abusalha's friends believe that he was recruited after he left Florida. "When he left, that was the furthest thing in his mind," Mr. Blanchard said. "He just wanted to be a good nurse and help people out. None of this was even in his vocabulary. If he did lie, he did a good job, because I certainly did not expect this. He wasn't supposed to do that. We were supposed to go to college, pray and study the Quran."

Veronica Monroy, a friend of Mr. Abusalha's, said she last heard from him about two years ago. "He deplored any kind of negativity, and was always the first to lend a hand if you needed one. He was religious, but definitely not an extremist," she said in an email. "He was loving and caring, and I know he came from a strong, loving, supportive home. Nothing hurts more than not being able to have been there for him, to try to stop him, or to at least just say goodbye."

Poll: Americans Back Afghan Pullout, Deeply Concerned By VA Scandal

By Dan Balz And Scott Clement
[Washington Post](#), June 4, 2014

President Obama has widespread support for his decision to withdraw U.S. forces from Afghanistan by the end of 2016, but a scandal at the Department of Veterans Affairs that has united the country in its alarm about the problems, according to a new Washington Post-ABC News poll.

Overall, 46 percent of Americans approve of the job Obama is doing as president, up from 41 percent in late April. Fifty-one percent say they disapprove. The 46 percent matches his approval ratings in late January and early March, which could mean the April finding was an anomaly. The major difference between now and the last survey is that a higher percentage of Democrats say they approve of his performance.

Obama's Afghanistan announcement drew some criticism last week from Republican lawmakers, but more than three in four Americans say they back the timetable for withdrawal. Solid majorities of Democrats, Republicans and independents support the decision, although Republicans are significantly less enthusiastic.

The VA scandal, in contrast, shows no partisan differences and reflects growing public outrage over reports of long delays for treatment and falsification of records at some veterans' facilities around the country. The new poll finds a near-unanimous verdict, with 97 percent of Americans describing the problems as serious and 82 percent calling them "very serious."

The White House has scrambled to get on top of the situation and the public appears to put the responsibility for the problems elsewhere than on Obama. About four in 10 Americans say the president deserves significant blame for the problems that have mushroomed into a major debacle for his administration, while six in 10 say he deserves just some or none of the blame.

Partisan differences color the apportionment of responsibility. About six in 10 Republicans say Obama was principally to blame, while three in five independents and four in five Democrats say most of the blame should be placed elsewhere.

On Friday, Obama announced that he had accepted the resignation of VA Secretary Eric K. Shinseki as a succession of Democratic senators facing reelection, and others, demanded that the retired general resign or be fired. The public strongly supports that move, with 65 percent saying that it was right for Shinseki to step down.

The poll finds overwhelming support for the administration's politically charged initiative aimed at combating the effects of climate change by reducing carbon dioxide emissions at existing coal plants. On Monday, the Environmental Protection Agency proposed a regulation aimed at cutting those emissions by up to 30 percent by 2030 and giving states options for trying to meet the targets.

Nearly seven in 10 Americans say they regard climate change as a serious problem, with big majorities among

Democrats and independents agreeing and Republicans evenly split on their assessments. Seven in 10 also support government efforts to require limits on emissions from existing power plants. More than six in 10 say they would support the plan even if it meant paying an extra \$20 a month on their electric bills.

With the House preparing for hearings by a new select committee investigating the 2012 attacks on a U.S. diplomatic outpost in Benghazi, Libya, the poll found public doubts about the administration's credibility. Almost six in 10 say the administration has tried to cover up the facts of what happened, which is about the same percentage who said so a year ago.

A bare majority (51 percent) say they support another congressional investigation, with 42 percent saying the issue has been investigated enough. Half say they disapprove of the way then-Secretary of State Hillary Rodham Clinton has handled the incident, with 37 percent approving.

On a series of specific issues, Obama's approval ratings are a net negative. Just 38 percent of Americans approve of his handling of immigration reform, 39 percent approve of how he has handled the implementation of the new health-care law, 41 percent approve of his overall handling of international issues and 43 percent approve of his handling of the economy. At least 50 percent disapprove of his handling of those four areas.

On Afghanistan, despite the overwhelming support for his troop-withdrawal plan, the public is evenly divided over his performance, with 45 percent approving and 45 percent disapproving.

There are wide partisan differences in assessments of Obama's handling of all these issues.

Interest in the November midterm elections has grown in the past month, with 74 percent of registered voters saying they are certain they will vote, up from 68 percent in April. Slightly more Republicans than Democrats and more whites than nonwhites say they definitely will vote. Democrats are particularly worried about low turnout by their coalition in November.

Registered voters are split almost evenly in their preference for House elections. Forty-seven percent say they would vote for the Democratic candidate while 45 percent say they would vote for the Republican. Historically, Democrats have needed a significantly larger margin on this question to avoid losses.

The economy continues to top the list of issues that will affect voters in November. A quarter of all registered voters cite the economy as one of the most important issues. Next in importance is the way Washington is working (19 percent), followed by the federal deficit and the Affordable Care Act (18 percent and 16 percent, respectively).

Climate change, immigration and same-sex marriage were in the single digits when voters were asked whether the

issues were among the most important in determining their vote.

Democrats are hoping to energize female voters by focusing on a number of women's issues. The poll found that, overall, just 8 percent of registered voters highlighted those as one of their most important issues — 12 percent of women and 2 percent of men.

The public expresses slightly greater confidence in Obama to deal with the country's main problems over the next few years than in congressional Republicans, 43 percent for Obama to 38 percent for the GOP. The president comes out better on this than he did at the end of last year, but the five-point margin is only one-third as large as it was in December 2012 after the his reelection.

The Post-ABC poll was conducted May 29 to June 1 among a random national sample of 1,002 adults, including users of conventional and cellular phones. Results from the full survey have a margin of error of plus or minus 3.5 percentage points.

Staging Base For Afghan War Handed Over To Kyrgyzstan

By Douglas Schorzman

[New York Times](#), June 4, 2014

In another symbolic step toward the exit from Afghanistan, the United States on Tuesday formally handed Kyrgyzstan control of Manas Air Base, once a major staging point for personnel and cargo bound for the Afghan war.

For hundreds of thousands of American and NATO service members, the base, formally known as the Transit Center at Manas, was the last stop before entering the war zone and the first stop after leaving. It was also the home of a United States Air Force logistics and refueling operation involved in daily operations in Afghanistan. Col. John Millard, the American commander at the base, told reporters at the handover ceremony that the Air Wing there loaded more than a billion liters of fuel for coalition aircraft over the years of the war.

Manas was one of two American bases hurriedly set up in Central Asia to support the invasion of Afghanistan after the Sept. 11 terrorist attacks. The other, in Uzbekistan, closed in 2005.

Despite its major role as a staging base, Manas never completely lost the trappings of an ad hoc military camp. Sand-filled Hesco barriers were the first sign that visitors had finished passing through the remnants of the old Soviet air base at the site and were entering the main transit center. Modular buildings contained the most vital functions, but the men and women coming through would while away the hours before their flights in large, white tents that dotted the site.

"My first impression was that this place had a completely different vibe — you felt you had left Western

civilization,” said Adrian Bonenberger, the author of the war memoir “Afghan Post” and a former Army officer who served two tours in Afghanistan. “There were these incredible mountains in the distance, and the whole place had a windswept feel about it.” He said that later, as he came through on his way out of Afghanistan, “I remember feeling very safe there. It felt like very few people were around — like there was nothing to bother you much going in or out.”

Now, the American pullout from Kyrgyzstan stands as a sign not only of the dwindling war effort in Afghanistan, but also of worsening relations with Russia and its closer allies among the former Soviet republics.

The Kyrgyz government first moved to evict the United States from Manas in 2009, acting under a mix of pressure and incentives from Russian allies who were growing increasingly hostile to the United States’ presence in the region. American officials headed off that attempt by agreeing to pay more rent: raising it to \$60 million a year, plus substantial spending on facilities improvement, from the original \$17.4 million, according to American and Kyrgyz officials.

More recently, when it became clear that the Kyrgyz government was adamant that the American lease ending next month would be the last, NATO officials began planning ways to route around Manas as they began the extensive troop and cargo withdrawal effort in Afghanistan. The American military started using a base in Romania as its main transit center for the Afghan war this year.

On Tuesday, the American ambassador to Kyrgyzstan, Pamela Spratlen, said that the last of about 300 American personnel at the base would go within a week. Specialized equipment at the base, including airport vehicles and firefighting equipment, will stay for use by Kyrgyz forces.

Over \$45M In U.S. Payments To Afghan Police At Risk Of Theft: Report

By Chloe Johnson

[Washington Times](#), June 4, 2014

Up to \$45.5 million in salary payments to the Afghan National Police may be vulnerable to theft, according to a new inquiry from the Special Inspector General for Afghanistan Reconstruction (SIGAR).

No government agency or office has provided oversight to the problematic payment program so far, according to documents related to the inquiry. The payment system remains unregulated even though fraud among Afghanistan law enforcement is a longstanding issue.

“It’s been a big problem from the very beginning,” Andrew Wilder, vice president of the Center for South and Central Asia at the United States Institute of Peace, said.

It is unclear at this point how much money actually has been stolen. SIGAR is currently conducting an audit to determine the amount lost.

The \$45.5 million at risk in fiscal 2014 is a part of a U.S.-funded program to pay Afghan law enforcement officials through mobile technology. Payments to law enforcement are credited to mobile phone accounts, and these credits are accepted as currency by local stores and businesses.

The potential for theft that SIGAR discovered centers around “trusted agents,” middlemen that give participants cash in return for the credits. According to the inquiry, up to 50 percent of these payments may be diverted from law enforcement employees.

Mr. Wilder said diverting salaries has been a specific problem since the U.S. began military engagement in the country.

“You would have people saying they command 100 police officers when really only 20 exist, and collecting all the salaries,” he said.

About 1,100 members of the Afghan police force currently receive salary deposits by this mobile method. The mobile program has largely been successful in diverting fraud, according to Mr. Wilder.

“It’s a considerable improvement, compared to what it was before,” he said. “Now, people have to register themselves and open a bank account.”

The inquiry also expressed hope that changing the trusted agent option and expanding mobile payment technology would ensure more Afghan law enforcement received full, timely payments.

“Ensuring that police officers receive their full salaries is critical to creating an honest, reliable, and sustainable police force,” the inquiry said.

Iraq’s Best Hope

By Thomas L. Friedman

[New York Times](#), June 4, 2014

SULAIMANI, Iraq — I am a sucker for commencements, but this one filled me with many different emotions.

As Dina Dara took the stage — the student speaker and valedictorian of the 2014 graduating class of the American University of Iraq, Sulaimani, in Kurdistan — the sun was just setting, turning Azmar Mountain in the background into a reddish-brown curtain. The class was about 70 percent Kurds, with the rest coming from every corner, religion and tribe of Iraq. Parents bursting with pride, cellphone cameras in one hand and bouquets in the other, had driven up from Basra and Baghdad, dressed in their finest to see their kids get their American-style college degrees. Three Kurdish TV stations carried the ceremony live.

"It has been quite a journey," Dara, who's going on to graduate school at Tufts, told her classmates. (Since the university opened in 2007, all the valedictorians have been Iraqi women). "We went through a whole different experience living in the dorms. This evening ... we are armed with two things: first, the highly valued American education that makes us as competent and qualified as the rest of the students in the world. And, second, the empowerment of a liberal arts education." As we "exercise critical thinking techniques that have been the core of our education here, and as we try to move beyond the traditional conventions, beyond what others suggest, we may struggle. But isn't this how nations are built?"

Sitting near Dara (I was the commencement speaker), I thought: This is how the Iraq story was supposed to end, but hasn't, not yet. Kurdistan remains the unsung success story of the Iraq war, one thing U.S. veterans can take pride in having helped to create — first by protecting the Kurds from Saddam Hussein with a no-fly zone and second by toppling Saddam, who had tried to wipe out the Kurds with poison gas in 1988.

But it was the Kurds who used the window of freedom we opened for them to overcome internal divisions, start to reform their once Sopranos-like politics and create a vibrant economy that is now throwing up skyscrapers and colleges in major towns of Erbil and Sulaimani. Everywhere I've gone here, I've met "reverse immigrants," Kurds who've come back to their homeland in northeastern Iraq because of all the opportunities.

Kurdistan represents everything that has not happened in Shiite-dominated Baghdad and the Sunni regions of Iraq, where Prime Minister Nuri Kamal al-Maliki has behaved like a visionless, pro-Shiite sectarian chief and violence remains rife. Maliki was "our guy." So you could say that we left two big "gifts" behind in Iraq: an American-installed autocrat and an American university that is teaching the values of inclusiveness that Maliki doesn't practice. In the long run, after Maliki is gone, we can still hope — as partially happened in Vietnam — that our values will triumph where our power failed. It's still a long shot, but that's clearly what the American University students are hoping.

Bery Hoshier, 20, a female engineering student, told me: "People graduating here feel they can make a change. They come here as people bounded by social conventions, and they leave as individuals with values that they implement in their lives. We all believe that we can be future leaders. [Iraq] is not over. We are just getting started. We are building from scratch. It is going to take time."

Karwan Gaznay, 24, a Kurd, told me he grew up on books about Saddam: "Now we have this American education. I did not know who Thomas Jefferson was. I did not know who James Madison was. So when the government is doing something wrong, now we can say: 'This is wrong. I

have been educated.' ... I ran for student president, and Arab guys voted for me. We are living as a family in the university. I am not pessimistic about Iraq. We can work together if we want to."

As student president, Gaznay persuaded the Kurdish government to create a special ID card for Sunni and Shiite AUIS students to use to easily pass through checkpoints that protect this region from the rest of Iraq. Isa Mohamed, 22, a Shiite from Baghdad, told me this was why he supported Gaznay: "Any Arab [AUIS] student can now go through all the checkpoints and airports" in Kurdistan without difficulties.

Shayan Hamed, 23, said: "You hear democracy being used by your political leaders, but they are just defining it the way it suits them. But when you really learn what it is about in the real texts, then you realize that this is not the democracy in your country." I thought Iraq was finished, I said to her. "Germany was not over after Hitler. Russia was not over after Stalin. So why should Iraq be over after Saddam?" she replied.

Mewan Nahro, 23, put it all in perspective: "My dad was in the mountains as a Pesh Merga [Kurdish guerrilla] fighter in the '80s and '90s, and now [our family] has gone from him in the mountains to me here at an American University and getting to say what I want."

Yes, this is an elite school, and Kurdistan is an island of decency in a still-rolling sea. But the power of example is a funny thing. You never know how it can spread. More American universities, please — not just drones.

Israel Condemns Plan In Washington To Work With New Palestinian Alliance

By Jodi Rudoren

[New York Times](#), June 4, 2014

JERUSALEM — Prime Minister Benjamin Netanyahu said on Tuesday that he was "deeply troubled" by the Obama administration's decision to work with the new Palestinian government, signaling new strains in the often rocky relationship between Israel and the United States, two close and critical allies.

Because the new government grew out of an agreement with Hamas, an Islamist movement that the West considers a terrorist group, Mr. Netanyahu has exhorted the world to reject it. He told The Associated Press on Tuesday that "the United States must make it absolutely clear" to President Mahmoud Abbas of the Palestinian Authority that the pact with Hamas "is simply unacceptable."

Other Israeli leaders also used unusually harsh language to condemn Washington's willingness to work with the government Mr. Abbas swore in on Monday. "American naïveté has broken all records," said Gilad Erdan, a minister from Mr. Netanyahu's right-wing Likud Party. The leader of the nationalist Jewish Home faction, Naftali Bennett, said the

American decision “sends a message that terrorism pays.” Even Nachman Shai, a lawmaker with the left-leaning Labor Party, called the step “a slap in the face from the Americans.”

And Ron Dermer, Israel’s ambassador to the United States, rebuked both the new Palestinian government and his host country’s embrace of it, posting on Facebook that “with suits in the front office and terrorists in the back office, it should not be business as usual.”

Though the new government was formed with Hamas’s consent, its 17 ministers are professionals without formal links to any political faction. Mr. Abbas promised on Monday that the new government would follow his policy of recognizing Israel, renouncing violence and adhering to prior Palestinian-Israeli agreements, things that Hamas refuses to do. The prime minister, Rami Hamdallah, gave similar assurances in a meeting with European diplomats on Tuesday after the cabinet’s first meeting.

Though United States law bars financing any Palestinian government under “undue influence by Hamas,” Jen Psaki, the State Department spokeswoman, said on Monday, “With what we know now, we will work with this government.” The statement appeared to widen fissures between the United States and Israel.

Mr. Netanyahu has been highly critical of President Obama’s approach to nuclear talks with Iran. He and others were irked by comments from the president and his aides placing much of the blame for the breakdown in American-brokered peace talks in April on Israel’s continued construction in West Bank settlements. Recent news reports alleging that Israel had spied on Americans added to the tensions.

“We’ve had disagreements over settlements, over Jerusalem — I see this as more fundamental; it’s a source of grave concern,” said Michael B. Oren, Israel’s previous ambassador in Washington.

“It delivers a blow to American credibility, and American credibility is cardinal here,” Mr. Oren added. “Because at the end of the day, if Israel is going to make concessions for peace, is going to take risks for peace, we have to rely on our alliance with the United States. There has to be deep trust.”

Several Israeli officials, speaking on the condition of anonymity to protect internal discussions, said they were stunned by Washington’s decision. Mr. Netanyahu told his inner cabinet Monday afternoon that the Americans intended to “wait awhile” before deciding how to deal with the new government, according to someone present, who said that assurance influenced the cabinet’s decision not to immediately impose sanctions.

But a couple of hours later, Secretary of State John Kerry called Mr. Netanyahu and told him Washington was not waiting.

Ms. Psaki made it clear in a briefing with reporters on Monday that Washington would “continue to evaluate the

composition and policies of the new government and, if needed, we’ll modify our approach.”

For weeks, the Americans had told Mr. Netanyahu and his aides that they would withhold judgment until the new government was officially formed, and some were skeptical that it would even happen, since previous reconciliation deals between Hamas and Mr. Abbas’s faction, Fatah, never bore fruit. Once the ministers were sworn in, Washington had to decide whether money could continue flowing to the Palestinian Authority to sustain its aid programs and pay its employees.

Congress may yet try to force the Obama administration to reverse course. The essence of the dispute is over how much sway Hamas will have over the new government. Israeli officials insist that they had clear commitments from the Obama administration — in 2011 and again in 2013 — that Washington would support Israel’s refusal to negotiate with any government even “backed by Hamas.” Americans acknowledge that those conversations took place but say they may have been misinterpreted to relate to Washington’s own approach.

Marie Harf, a State Department spokeswoman, said Friday that Washington had consistently said its test would be whether a Palestinian government included Hamas members as ministers.

“Our position on Hamas has in no way changed, period, full stop,” Ms. Harf said.

But Mr. Bennett, Israel’s economy minister, said in an interview, “We feel that the red lines have been blurred and crossed.”

“Regardless of the practical issues, the resounding message is that the world’s leading nation is talking to a government backed by one of the deadliest terrorist groups,” he said. “There’s only so much we can play charades.”

Obama Administration Seeks To Bridge Rift With Israel Over Palestinian Unity Government

By Anne Gearan

[Washington Post](#), June 4, 2014

The Obama administration sought Tuesday to bridge a rift with Israel over the willingness of the United States to recognize and fund a new Palestinian government affiliated with the militant group Hamas, arguing that the new government deserves a chance to succeed.

State Department spokeswoman Marie Harf read a lengthy statement defending the U.S. position even before reporters could ask her about harsh criticism from Israeli officials.

She stressed that the announced lineup of ministers includes none who are members of the militant Palestinian group that has advocated Israel’s destruction. The new coalition reunites the moderate Fatah faction — which has

held peace talks with Israel — with Hamas. Palestinian leaders believed that the split was a major stumbling block to the goal of statehood and that a unified government would be stronger.

“They are all technocrats, unaffiliated with any political party, and are responsible for facilitating new elections,” Harf said of the cabinet lineup. “We will be judging this technocratic government by its actions,” including compliance with pledges to renounce violence and recognize Israel.

Israel called the American position a slap in the face. Members of Congress quickly agreed, and two Republican senators called on the administration to reconsider aid immediately.

“Israel is deeply disappointed” by the U.S. decision to pursue “business as usual” with the Palestinians, Israel’s ambassador to Washington, Ron Dermer, wrote on his Facebook page.

“Had Hamas changed, it would be one thing” to continue regular contact and funding, Dermer wrote, “but Hamas hasn’t changed. It remains as committed to Israel’s destruction today as it was yesterday.”

Israeli Prime Minister Benjamin Netanyahu told the Associated Press that he is “deeply troubled” by the U.S. position. He has urged other nations not to recognize the unified government announced by Palestinian Authority President Mahmoud Abbas.

“All those who genuinely seek peace must reject President Abbas’s embrace of Hamas, and most especially, I think the United States must make it absolutely clear to the Palestinian president that his pact with Hamas, a terrorist organization that seeks Israel’s liquidation, is simply unacceptable,” Netanyahu told the news service Tuesday.

The Palestine Liberation Organization’s office in Washington issued a statement commending the U.S. position.

“The U.S. government understands very well that Palestinian unity is crucial for the prospect of peace in the region,” the statement said.

Dore Gold, a former Israeli ambassador to the United Nations and a foreign policy adviser to Netanyahu, said any international move that legitimizes Hamas is a dangerous mistake.

“I don’t think that people in Washington understand the depth of Israel’s disappointment over the decision to support this government,” Gold said.

“Hamas isn’t just a terror organization. Hamas is not just fundamentally against peace and against Israel’s right to exist. Hamas is an organization that has adopted an agenda to annihilate Jews.”

William Booth in Jerusalem contributed to this report.

US, Israel Split Over Hamas-Backed Palestinian Government

By Joel Greenberg

[McClatchy](#), June 4, 2014

JERUSALEM — The inauguration of a Palestinian unity government backed by the militant Islamist group Hamas has opened a public rift between Israel and the United States over policy toward the interim Cabinet sworn in Monday by Palestinian Authority President Mahmoud Abbas.

The announcement by Washington that it would do business with the new government — a Cabinet of technocrats backed by Abbas’ Fatah faction and Hamas as part of a reconciliation deal — has drawn sharp rebukes from Israeli officials.

Their remarks reflect mounting concern about growing international acceptance of the new Palestinian government, which received expressions of support Tuesday from the European Union and the United Nations.

Israeli Prime Minister Benjamin Netanyahu, in comments Tuesday to the Associated Press distributed by his office, said the U.S. announcement “deeply troubled” him, adding that Hamas had murdered “countless innocent civilians.”

“All those who genuinely seek peace must reject President Abbas’ embrace of Hamas, and most especially I think the United States must make it absolutely clear to the Palestinian president that his pact with Hamas, a terrorist organization that seeks Israel’s liquidation, is simply unacceptable,” Netanyahu said.

In rare open criticism of the Obama administration by an Israeli envoy, Ron Dermer, the Israeli ambassador to Washington, said Israel was “deeply disappointed” by a State Department announcement Monday that the United States intends to “work with” the unity government and maintain American aid to the Palestinian Authority because the new Cabinet doesn’t include members of Hamas.

Israel, the United States and the European Union consider the militant Islamist group — which refuses to recognize Israel and has carried out suicide bombings and rocket attacks on Israeli cities — a terrorist organization.

“Had Hamas changed, it would be one thing,” Dermer wrote late Monday in a Facebook posting. “But Hamas hasn’t changed. It remains as committed to Israel’s destruction today as it was yesterday.”

“This Palestinian unity government is a government of technocrats backed by terrorists, and should be treated as such,” Dermer added. “With suits in the front office and terrorists in the back office, it should not be business as usual.”

On Tuesday, Dermer, who grew up in Miami Beach, told The Miami Herald that the United States is essentially one of the first countries to recognize the new Palestinian

government. "What we were hoping for was a strong statement that would make clear that the United States opposes an alliance between Hamas and Fatah," Dermer said.

The Israeli security Cabinet authorized Netanyahu on Monday to impose unspecified "additional sanctions" on the Palestinian Authority, and it reiterated Israel's refusal to negotiate with a Palestinian government backed by Hamas.

State Department spokeswoman Jen Psaki said Monday that Secretary of State John Kerry had phoned Netanyahu before her announcement to inform him of the American position.

"At this point, it appears that President Abbas has formed an interim technocratic government that does not include ministers affiliated with Hamas," Psaki said. "Moving forward, we will be judging this government by its actions. Based on what we know now, we intend to work with this government, but we'll be watching closely to ensure that it upholds principles that President Abbas reiterated today."

After swearing in the new Cabinet, Abbas said it would follow his political program, meeting international conditions for diplomatic contact: recognition of Israel, renunciation of violence and commitment to previous agreements with the Israelis.

Psaki said the United States would continue supplying financial aid to the Palestinian Authority, "but we will continue to evaluate the composition and policies of the new government and calibrate our approach accordingly."

Under the provisions of a 2012 congressional appropriations bill, financial assistance to the Palestinians may not benefit Hamas "or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member or that results from an agreement with Hamas and over which Hamas exercises undue influence."

Some members of Congress called on the Obama administration to suspend funding to the Palestinians – about \$500 million annually – until the policies of the new unity government are clarified.

"Funding for the Palestinians is off the table until it is clear that the unity government is committed to peace and security," said Rep. Kay Granger of Texas, a Republican who chairs a House of Representatives subcommittee that oversees foreign aid. "Hamas, not just members of the new government, must acknowledge Israel's right to exist, renounce violence and adhere to previous international agreements."

Following the U.S. administration's lead, local representatives of the United Nations and European Union expressed their backing for the new Palestinian government in the West Bank on Tuesday.

Robert Serry, the U.N. special coordinator for Middle East peace, visited the Palestinian prime minister, Rami Hamdallah, in Ramallah, West Bank, and "affirmed the U.N.

support for the national consensus government," a statement from Hamdallah's office said.

The EU representative in the West Bank, John Gatter, expressed similar support in a meeting between Hamdallah and European envoys, and the same message was conveyed in a phone call from British Foreign Secretary William Hague, the prime minister's office said.

Ayana Steward of The Miami Herald contributed from Miami.

Israel Decries US 'Knife In Back' Over Palestinian Govt

By Jean-Luc Renaudie

[AFP](#), June 4, 2014

Jerusalem (AFP) – Washington's support for a new Palestinian government backed by Israel's Islamist foe Hamas, has left the Jewish state feeling betrayed, triggering a new crisis with its closest ally.

Several Israeli ministers expressed public anger on Tuesday after the US State Department said it was willing to work with the new Palestinian unity government put together by the West Bank leadership and Gaza's Hamas rulers.

Technocratic in nature, the new government was sworn in on Monday in front of president Mahmud Abbas, with Washington offering its backing several hours later.

Israel admitted it was "deeply disappointed."

"I have to say I do not understand this American announcement," said Intelligence Minister Yuval Steinitz, accusing Washington of saying one thing behind closed doors and another in public.

"You cannot present it as a Hamas government internally, then present it publicly as a government of technocrats," he told army radio.

"If these (ministers) are people who identify with Hamas, Hamas identifies with them and appointed them, then they are representatives of Hamas. This is a Hamas government, and Hamas is a terror organisation," he said.

Speaking to reporters on Monday, State Department spokeswoman Jen Psaki said the new cabinet would be judged "by its actions."

"At this point, it appears that president Abbas has formed an interim technocratic government that does not include ministers affiliated with Hamas," she said.

"With what we know now, we will work with this government."

– 'US capitulation' –

The US endorsement was viewed as a major blow for Israeli Prime Minister Benjamin Netanyahu, who had on Sunday urged the international community not to rush into recognising the new government, which he said would only "strengthen terror."

"Unfortunately, American naivety has broken all records," said Communications Minister Gilad Erdan, a cabinet hardliner who is close to Netanyahu.

"Collaborating with Hamas, which is defined as a terror organisation in the United States, is simply unthinkable.

"US capitulation to Palestinian tactics badly damages the chance of ever returning to negotiations and will cause Israel to take unilateral steps to defend its citizens from the government of terror which Abu Mazen (Abbas) has set up."

Public radio said Netanyahu was feeling "betrayed and deceived," particularly as he had assured his security cabinet that US Secretary of State John Kerry had promised him Washington would not recognise the new government immediately.

"And it wasn't immediate – it was five hours later that this recognition took place," the radio noted ironically.

A senior political official quoted by the Israel Hayom freesheet, widely regarded as Netanyahu's mouthpiece, said the US move was "like a knife in the back."

– 'Answer with annexation' –

Israeli commentators said the Palestinians had chalked up a "major success" in driving a new wedge between Israel and its US ally.

The relationship was already under scrutiny following the collapse of Kerry's peace efforts, with Washington pointing to Israel's "rampant settlement activity" as a key element in the collapse of US-brokered talks with the Palestinians.

With the peace process in tatters, hardliners within Netanyahu's rightwing coalition have been pushing for Israel to take unilateral steps such as the annexation of the main Jewish settlement blocs in the occupied West Bank.

Economy Minister Naftali Bennett, head of the far-right Jewish Home party called on Monday for a tough response to the Palestinians formation of a "government of terrorists in suits".

"The time has come to move from defence to attack, to do what is good for Israel. The sovereignty plan which we have proposed is the only solution today for Palestinian rejectionism of peace," he said.

The security cabinet agreed on Monday to set up a team to examine the annexation option, but Yediot Aharonot commentator Shimon Shiffer said the move was a sop to Bennett and other hardliners rather than a serious policy change.

So far, Israel has imposed only limited sanctions on the Palestinians in response to the unity government.

It has frozen the transfer of \$5.8 million of the \$117 million it collects in taxes each month on behalf of the Palestinian Authority, and limited the new ministers' freedom of movement between Gaza and the West Bank.

And even though it has pledged not to negotiate with the new government, it has not vetoed contact with Palestinian leaders, including Abbas, public radio said.

Palestinian Premier Reassures EU, UN Over New Government

[AFP](#), June 4, 2014

Ramallah (Palestinian Territories) (AFP) – Palestinian prime minister Rami Hamdallah assured foreign diplomats on Tuesday that his new unity government would respect past agreements with Israel, after chairing the cabinet's first meeting.

The new 17-member cabinet was sworn in on Monday before president Mahmud Abbas, in line with a surprise reconciliation deal reached in April between Gaza's Islamist rulers Hamas and the PLO, which dominates the West Bank-based Palestinian Authority.

"Hamdallah stressed that the government is committed to all international agreements signed by the Palestine Liberation Organisation ... international political initiatives and peaceful solutions," his office said.

Hamdallah was briefing European Union representatives to the Palestinian territories on his new government, also telling them his cabinet would focus on providing services and resolving pressing water issues in the Gaza Strip.

He later gave UN peace envoy Robert Serry the same assurances, adding the government's "main mission is to prepare for free and democratic elections," a separate statement said.

After chairing the new cabinet's first meeting, Hamdallah told reporters in the West Bank city of Ramallah the "main subject the government discussed was how to reunite the institutions in the West Bank and Gaza."

"Employees were asked to return to work," he said, referring to people from Abbas's Fatah party who worked in Gaza-based government ministries before the Islamist Hamas movement forcibly took over the territory in 2007, splitting the Palestinian territories into two separate camps.

Despite the alliance with Hamas, which does not recognise Israel and is pledged to its destruction, Abbas has said the government would abide by the principles of the Middle East Quartet.

"The government is committed to the principle of the two states on the border of 1967. The government is also committed to recognising the State of Israel, renouncing violence and honouring the signed agreements," he said on Monday.

"As we have stated in the past, we will continue with security coordination with Israel as this protects our people's interests."

– International welcome –

The international community hailed the reconciliation, with the EU saying it created “new opportunities for the peace process, for democratic renewal and for the Palestinian people in both Gaza and the West Bank”.

In New York, UN Secretary General Ban Ki-moon’s spokesman also welcomed the unity government.

“The United Nations stands ready to lend its full support to the newly formed government in its effort to reunite the West Bank and Gaza... under one legitimate Palestinian authority,” Stephane Dujarric said in a statement.

France also said it was “ready to work” with the new government “as long as it rejects violence, is committed to the peace process and respects all previous agreements, which implies recognising Israel,” comments echoed by Britain.

Russia urged the international community to welcome the Palestinian cabinet “with respect.”

Washington has also agreed to work with the new government, prompting a furious reaction from Israel, which had urged the international community not to rush into recognising the new entity.

Israeli Prime Minister Benjamin Netanyahu reiterated his opposition to Europe dealing with the unity government.

“The Palestinian unity government with backing from the Hamas terrorist organisation is a Palestinian step against peace and in favour of terrorism and... therefore it would be a mistake to grant it legitimacy,” he said in a statement.

“No European country would be prepared to accept a terrorist organisation as part of its government.”

Iran’s President Vows To Defend Nuclear Rights

[Associated Press](#), June 4, 2014

TEHRAN, Iran (AP) — On the eve of talks, Iran’s moderate president said Tuesday that his administration will defend the Islamic Republic’s nuclear rights and work to end international sanctions that have devastated its economy.

Hassan Rouhani’s remarks were seen as part of his efforts to defuse claims by hard-liners that he has given too many concessions to the West in return for too little.

“Without a doubt, nuclear power is our definite right,” he said during a ceremony in Tehran marking the 25th anniversary of the death of Ayatollah Ruhollah Khomeini, the founder of the Islamic Republic.

“Resorting to unity and resistance, we will defend interests of Iranian nation,” Rouhani said.

Under an interim deal in November, Iran agreed to cap its nuclear activities in return for an easing of sanctions by the West. The U.S. and its allies suspect Tehran is seeking atomic weapons, but Iran denies the charge saying its aims are peaceful.

The next high-level talks aimed at finalizing a deal will be held later this month. Another round of expert-level

nuclear talks between Iran and world powers is scheduled for Wednesday in Vienna.

The deal reached by Iran and six world powers — the five permanent members of the Security Council plus Germany — put limits on Iran’s uranium enrichment program in return for the easing of some sanctions. Core sanctions, however, remain in place — including measures targeting Iran’s oil exports, the pillar of its economy.

Russia’s United Nations Ambassador Vitaly Churkin told a news conference in New York that the talks “have been going well but not without problems.”

He called for “constructive approaches” by both sides to meet the July 20 deadline for an agreement, adding that one of his “professional ambitions” at the U.N. is to see the Security Council lift four rounds of sanctions imposed on Iran since 2006.

President Rouhani also said Iran would support the fight against terrorism and extremism in the region, a reference to the country’s role in helping Syrian President Bashar Assad in his fight against rebels. Assad’s government claims those fighting against it are terrorists, not legitimate opponents.

“The Islamic republic of Iran helps those who fight terrorism and extremism in the region,” said Rouhani. “Today, Iran is standard-bearer of fighting terrorism and violence in the region.”

Iran has been a key regional supporter of Assad in Syria’s civil war that pits him against Western-backed rebels seeking his ouster.

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Exclusive: Iran’s Reactor Fuel Demand Emerges As Sticking Point In Nuclear Talks

By Justyna Pawlak And Fredrik Dahl

[Reuters](#), June 3, 2014

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North Korea Says U.S., South Korea Smear It To Hide Own Rights Abuses

By Michelle Nichols

[Reuters](#), June 4, 2014

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Aiming Financial Weapons From Treasury War Room

By Annie Lowrey

[New York Times](#), June 4, 2014

WASHINGTON — In a dingy suite of offices in a Treasury Department annex, the troops work into the night, armed with paperwork, computers and a clock on the wall set to Tehran time. They blast out advisories ordering banks to block targeted people, then threaten them with consequences — fines that can range into millions of dollars — if they do not.

Today, this is how the Obama administration goes to war.

“The United States needs to remain involved in the world, but does not necessarily need to remain involved just through military power,” said David S. Cohen, Treasury’s under secretary for terrorism and financial intelligence, who is sometimes described within the administration as President Obama’s favorite combatant commander. “There are other ways of projecting U.S. power that are consequential.”

Mr. Cohen oversees the obscure Office of Foreign Assets Control, the engine that creates and administers the steadily increasing number of financial sanctions. They are a policy tool once considered largely ineffectual but are now used against a wide range of actors, from Iran’s revolutionary guard to Mexican drug traffickers to cronies of President Vladimir V. Putin of Russia.

Over the last decade, as sanctions have become vastly more sophisticated, the Obama administration has deployed them more and more often. Including recent sanctions meant to punish Russia, the Treasury Department targets about 6,000 people and institutions around the world.

“They’ve always been a tool,” said Robert Einhorn of the Brookings Institution, a former Obama administration official who worked on sanctions against both Iran and North Korea until he left the State Department last year. “But they’ve gained new prominence, which is in part a reflection of greater creativity in the use of sanctions but also the success that the administration has had.”

The sanctions against Iran for its nuclear work are considered the most successful in modern history, but sanctions on North Korea have been far less successful — primarily because China, the North’s main patron, often made up for commodities or financial flows that other trading partners cut.

“Not every case will be an Iran case,” Thomas E. Donilon, a former national security adviser to Mr. Obama, said on Monday at a conference in Washington, noting that the sanctions in North Korea did not work because the country was “unplugged from the world economy.” Other officials, including some from the Treasury Department, noted that there was a risk that sanctions can be overused — and as a result, countries could tire of enforcing them.

The most recent American sanctions were imposed this spring, when the United States sanctioned a series of individuals and firms close to Mr. Putin, including Igor I. Sechin, the president of the state-owned Rosneft oil

conglomerate, and Rossiya Bank, a provider of financial services to Mr. Putin’s inner circle. With the stroke of a pen, those sanctions froze the individuals and institutions out of the vast swath of the global financial market denominated in dollars — an action trumpeted by the Obama administration.

“I can’t tell you we know the end of the story in Russia yet,” Treasury Secretary Jacob J. Lew said in an interview. “But I do know sanctions are a big part of why you’re seeing some change.”

Economic specialists say, however, that the impact of the sanctions is unclear so far. The administration has used targeted sanctions to unsettle the Russian elite — in particular, associates who have enriched themselves through proximity to Mr. Putin. The White House has argued that the sanctions have palpably harmed Russia’s economy, pointing to weak data on economic output and a falling stock market. But those changes are most likely largely related to the broader geopolitical uncertainty leading investors to dump the ruble.

“Pointing to ups and downs in the stock market, or growth numbers, in the short term is probably not the right measure of success,” said Juan Zarate, a senior adviser at the Center for Strategic and International Studies and former official in the George W. Bush administration.

Sanctions have also become a central policy lever with Iran, Syria, South Sudan and North Korea — as well as drug cartels, arms traders and terrorists. In no small part, their swelling number is because of their improved potency, analysts said: Today’s sanctions tend to be “smart,” narrow rather than broad, and designed to pressure elites rather than squeezing average citizens.

“The feeling 20 years ago was that they did not really work,” said Daniel W. Drezner, a professor of international politics at Tufts, pointing to an embargo of Iraq that caused a humanitarian crisis without swaying then-ruler Saddam Hussein.

Legal changes during the Bill Clinton and George W. Bush administrations bolstered the tool. Analysts started focusing on travel bans and asset freezes, rather than whole-country or whole-industry sanctions. The interconnectedness of the global economy has also made sanctions stronger.

“We’re very nuanced about how to use the tool and, I think, very thoughtful about it,” said Adam J. Szubin, the director of the Office of Foreign Assets Control. “The broad, sweeping dismissals have been proven false — sanctions don’t work, can’t work. Well, sometimes they do, sometimes they don’t. You have to use them smartly.”

Perhaps the most stark evidence of success lies in bolstered sanctions against Iran. Congress and the White House, alongside governments in Europe, have spurred a currency crisis and driven down prices for the country’s crude oil, thus forcing Iran’s leaders to the negotiating table.

"There were excellent reasons to think that the new sanctions on Iran would not work, because we'd been sanctioning them for 30 years," said Mr. Drezner. "I think it caused a lot of people to think, 'Wow, these are a lot more powerful than we realized.'"

The sanctions are not without their detractors. Critics have argued both that Iran's sanctions are too harmful to the civilian economy and that they have failed to have enough effect on its nuclear program. Others say that the administration is relying far too heavily on sanctions.

"There's no doubt that sanctions have become the dominant instrument of coercive statecraft," said Mark Dubowitz, the executive director of the Foundation for Defense of Democracies. "This administration has become increasingly reluctant to use other forms of coercion, including covert action" to achieve its policy goals, he said. But Treasury officials repeatedly said that sanctions were a part of, not a substitute for, a diplomatic policy — some sanctions worked better than others, and none were ever used in isolation.

The Treasury "has opened up a new battlefield for the United States," Mr. Lew said.

David E. Sanger contributed reporting.

NATIONAL NEWS

The Bowe Bergdahl Controversy Could Be Politics At Its Very Worst

By Sam Stein

[Huffington Post](#), June 3, 2014

WASHINGTON — A land speed record must have been broken in the time it took to turn the release of Sgt. Bowe Bergdahl from weekend newsbreak to full-blown political controversy.

In the three days since the Obama administration announced that it would free five top Taliban officials from Guantanamo Bay in exchange for Bergdahl's release, the topic has dominated a White House briefing, shadowed the president on his trip to Europe and overtaken the cable news circuit.

The War on Terror suddenly had its own fantasy league. On Fox News Monday night, the National Review's Rich Lowry called the swap an "astonishing trade" in which the administration gave up "the top five Taliban guys." Sen. Lindsey Graham (R-S.C.) called the five released men "The Taliban Dream Team."

On Tuesday, the wave showed no signs of cresting. The Drudge Report had 17 separate items about Bergdahl, 15 of which were above the fold. Bergdahl was being mentioned in 7,200 tweets per hour. "Fox & Friends" host Brian Kilmeade accused Bergdahl's father of looking like a member of the Taliban, because of the long, unkempt beard

he grew in solidarity with his son. And former Rep. Allen West (R-Fla.) has even called for President Barack Obama to be impeached over the matter.

But the gush of commentary obscured the complexity of the story at hand. The various critiques of the administration all ran in wildly different directions. Some clearly need to be addressed, but many others seem based on flimsy foundations, undone by basic counterfactual questions.

Did the Obama administration get fleeced?

This is the most common complaint about the deal. The five Taliban members released from Guantanamo are hardened, top-level officials. Reports suggest that the restrictions being placed on them in Qatar, where they are being sent, will not do enough. Could the administration have held out for more?

The White House contends that given Bergdahl's failing health, it had to act quickly. And even in that case, they got some concessions. The initial demand from the Haqqani network, according to a Feb. 23 BBC report, was "millions of dollars" and 21 Taliban detainees. On "Morning Joe" Tuesday, The Washington Post's David Ignatius suggested that holding out further might have hurt the administration's position.

"It does seem one-sided, although less so than the exchanges the Israelis have made... so there's this precedent for this," he said. "I think it's useful to ask the reverse question. Suppose he hadn't been released, and it's a year from now, and American troops are getting ready to come home, and you have this American sitting there in ever more frequent propaganda videos from the Taliban. The pressure on the president to act in a much more precipitous way would be enormous. So think about the alternative."

But why release Guantanamo detainees at all?

When critics of the president ask this question, they seem to be suggesting that a risky trade-off could have been avoided had Bergdahl been extracted through other means, such as a military-led operation.

Perhaps so, but as shown by the fact that troops died searching for Bergdahl when he first left base, that's a high-risk proposition in its own right. A top Obama administration official told The Huffington Post that a rescue mission was considered, as were other tactics. But going in with military forces would have put other U.S. soldiers in harm's way and there was no guarantee that Bergdahl would be extracted alive.

When Martin Dempsey, chairman of the Joint Chiefs of Staff, said Tuesday morning that "this was likely the last, best opportunity to free him," the key word was "best."

Is this merely a backdoor method of emptying out Guantanamo?

It's no secret that the president wants the detention facility closed, and The Daily Beast's Josh Rogin reported that Republicans on Capitol Hill are concerned that the

prisoner exchange was a means to another end. But can detainees be kept there forever?

Ken Gude noted at ThinkProgress that because none of the five prisoners were “facing charges in either military or civilian courts for their actions” and because the war is coming to an end, they had to be released anyway. John Bellinger, a former Bush administration lawyer, made a virtually identical point:

In my view, the U.S. would not be able to hold them forever. Indeed, it is likely that the U.S. would be required, as a matter of international law, to release them shortly after the end of 2014, when U.S. combat operations cease in Afghanistan. The Administration appears to have reached a defensible, hold-your-nose compromise by arranging, in exchange for the release of Sergeant Bergdahl, for the individuals to be held in Qatar for a year before they return to Afghanistan.

Why didn't the White House consult Congress beforehand?

Here, the critics seem to have their strongest argument. The law requires the president to give 30 days' notice before transferring detainees out of Guantanamo. And while Obama issued a signing statement challenging the constitutionality of that provision, his prior history questioning the use of signing statements is fairly well established.

The White House has responded to this criticism in a scattershot manner. On Tuesday morning, Caitlin Hayden, a spokeswoman for the National Security Council, said that the advance notice would have interfered with Obama's ability to get Bergdahl home. Because of that, she added, officials had determined that “Congress did not intend that the Administration would be barred from taking the action it did in these circumstances.”

At other points, the White House hasn't even bothered with the legalese, arguing that, in the broadest sense of the word consultation, it had met the requirements. In November 2011, the administration discussed a potential prisoner swap with senior House Republicans. On Feb. 17, 2014, The Washington Post reported the contours of the deal in clear detail. And when talks with the Taliban fell apart, White House Press Secretary Jay Carney told reporters that the administration was still “actively engaged in an effort to see [Bergdahl's] return.”

But discussing something publicly in broad terms is a different than consulting lawmakers in private about specific operations. The White House seemed to acknowledge this distinction late Tuesday when top officials apologized to the chair and ranking member of the Senate Intelligence Committee for not having given them prior warning.

Did Bergdahl deserve to be rescued?

No one has actually argued that Bergdahl should have been left behind, left to endure Taliban-style justice for walking off his post, though The New Republic's Brian Beutler

has made the case that critics should provide a price of exchange that they would have found acceptable.

The more illuminating question to ask, instead, is what would have happened politically had the White House sat on its hands and not acted. Some of the very Republicans criticizing the president today were imploring him to do more to free Bergdahl just a few months prior. Some even suggested he pursue any means necessary to get him released. Let's say the White House had waited to act in hopes of a better deal – and never reached one. What then?

Said the Obama administration official: “Imagine the outrage from Republicans if we had left him there.”

Inside The Obama Administration's Debate Over Freeing Sgt. Bowe Bergdahl

By Adam Goldman And Scott Wilson

[Washington Post](#), June 4, 2014

Within months of Army Sgt. Bowe Bergdahl's capture in Afghanistan, the Obama administration began considering plans for a rescue.

Bergdahl slipped away from his post in Afghanistan's Paktika province in June 2009 and fell into Taliban hands. He was then moved across the border into the tribal areas of Pakistan, where he was held by the Haqqani network, a -U.S.-designated foreign terrorist organization with connections to Pakistan's intelligence service.

The circumstances of Bergdahl's captivity forced the administration to decide whether it would be willing to share more intelligence with Pakistan's government, despite concerns about its loyalties, or deploy troops to try to grab Bergdahl. On each count, the answer from many inside the administration was no.

“There were negotiating paths we could have explored other than the Taliban in Doha,” said David Sedney, who until last year served as the Pentagon's top official overseeing policy in Afghanistan and Pakistan. “Specifically, putting more pressure on the Pakistanis to get him or get us more intelligence. I am not aware of them actually helping us despite repeated requests.

“It could have made the possibly of rescuing him more likely,” Sedney said.

The long arc of Bergdahl's deployment and captivity is being scrutinized in light of the rising, mostly partisan debate over whether President Obama gave up too much to the Taliban for the 28-year-old soldier's release.

With Bergdahl's mother and father by his side, Obama celebrated the soldier's return Saturday as a late milestone in the United States' longest war and a necessary step in helping conclude America's post-9/11 era.

But an increasing number of Republicans said Tuesday that they would not have freed five Taliban commanders from

the military prison at Guantanamo Bay, Cuba, in exchange for one soldier.

"I think we should have made efforts to bring Bergdahl home, but this price is higher than any in history," said Sen. John McCain (Ariz.), who as a Navy pilot was held captive in North Vietnam for six months longer than Bergdahl's time with the Taliban.

Other congressional leaders, including some Democrats, criticized the administration for failing to notify Congress of the exchange in the time frame required by law.

Obama, traveling in Poland on Tuesday, offered a forceful defense of his decision.

"We saw an opportunity, and we were concerned about Bergdahl's health," he said, adding that assurances from the government of Qatar, the Persian Gulf emirate where the released Taliban commanders will remain for at least a year, helped solidify the deal.

"Is there the possibility of some of them trying to return to activities that are detrimental to us? Absolutely," Obama said. "There's a certain recidivism rate that takes place."

The debate has been shaped by simmering frustration within the military ranks. Some have found fault with national security adviser Susan Rice's comments on a Sunday news show, where she said Bergdahl had served "with distinction and honor," despite questions about the circumstances around his capture.

U.S. military officials signaled Tuesday that they will investigate those circumstances along with allegations that Bergdahl, disenchanted with the war effort, willingly abandoned his post.

Criticism from Congress

On the Hill, Democrats were more vocal than in previous days in expressing their concern that the White House did not notify Congress of the Guantanamo detainee release ahead of time.

The National Defense Authorization Act of 2014 requires the administration to notify Congress at least 30 days before releasing a prisoner from Guantanamo. But Obama, in what is known as a signing statement, forecast that he may disregard the rule because he believed that it unlawfully restrained his presidential authority.

Sen. Dianne Feinstein (D-Calif.), who heads the Senate Intelligence Committee, said that deputy national security adviser Antony J. Blinken called her Monday night to apologize for failing to notify her of the release before it was disclosed publicly.

A senior administration official, who spoke on the condition of anonymity to discuss the phone call, said Blinken told Feinstein "that we regretted we were not able to reach some members personally on Saturday."

"We have been very clear about the reasons we did not notify the Congress 30 days in advance," the official said.

Indirect talks between the United States and the Taliban, a U.S.-designated foreign terrorist organization, in pursuit of a broad political reconciliation began in early 2011. That same year, according to House Republican aides, the White House first mentioned the possibility of a prisoner exchange for Bergdahl's release.

Soon afterward, House Republicans sent two letters to the Obama administration seeking more information on the possibility of an exchange, the aides said, and another briefing with the administration followed on Jan. 31, 2012.

GOP aides said the next time congressional Republicans spoke with the administration about the issue was Saturday, when a Pentagon official called an adviser to House Speaker John A. Boehner (Ohio) with word of Bergdahl's release.

"I haven't had a conversation with the White House on this issue in a year and a half," Sen. Saxby Chambliss (Ga.), the ranking Republican on the Intelligence Committee, said Tuesday. "If that's keeping us in the loop, then this administration is more arrogant than I thought they were."

A complicated debate

Inside the administration, the calculations over Bergdahl's fate were complicated by seemingly unrelated events, including the raid on Osama bin Laden's compound in May 2011, when U.S. forces traveled deep into Pakistan and killed the al-Qaeda leader. The operation infuriated Pakistan's government and raised fears among U.S. officials that their uncertain ally's already mixed support for the war effort would wane further.

Around that time, U.S. officials began to contemplate an operation to rescue Bergdahl, according to a former senior administration official who participated in the discussions.

At least twice before Bergdahl's release, U.S. officials had a possible fix on where he was being held, but some administration officials familiar with the intelligence said there were gaps that left his circumstances unclear. And there were strong voices opposed to an operation, led by then-national security adviser Thomas Donilon and his deputy, Denis McDonough, who is now White House chief of staff.

Their concern, the official said, was further angering Pakistan's government and spy agency, which has close connections to the Haqqani network.

Those who supported a rescue operation included Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, and then-CIA Director Leon E. Panetta. Their argument in favor of a high-risk, lower-reward operation than the bin Laden raid eventually failed.

During the same debate, officials were considering the emerging prisoner-exchange proposal. White House advisers believed that a successful exchange would not only free Bergdahl but would also encourage moderate Taliban members to take an Afghan-led reconciliation process seriously.

But Panetta and other officials — including Defense Secretary Robert M. Gates, Secretary of State Hillary Rodham Clinton and Director of National Intelligence James R. Clapper Jr. — opposed the terms of the proposed prisoner exchange, according to the official.

Clinton replied in writing to the written concerns of lawmakers in between the various meetings, according to House aides. The contents of her responses were deemed classified and were not available for review by reporters, the aides said Tuesday. Clinton, now considering a run for president in 2016, on Tuesday publicly endorsed the deal to free Bergdahl that the official said she once privately opposed.

A spokesman for Clapper said that he, like others, had expressed concern about the proposal but added that “circumstances have changed dramatically,” citing concerns about Bergdahl’s declining health, the drawdown of U.S. troops and cooperation from Qatar in monitoring the detainees after their release.

Another former Obama administration official, who spoke on the condition of anonymity to discuss the secret process, said Gen. Martin Dempsey, who took over from Mullen as chairman of the Joint Chiefs of Staff, began a renewed effort to free Bergdahl about a year ago.

Dempsey, concerned that time was running out to make a deal for Bergdahl before the U.S. combat mission concluded at the end of this year, was searching for new ideas.

“They were looking at what are the options that are currently available to get this kid home one way or the other,” said a U.S. counterterrorism adviser, who spoke on the condition of anonymity to describe the search.

“He wanted all the theoretical options on the table. Dempsey knew there was a short window. Obama was looking for a way out of Afghanistan,” the adviser added. “Those things were communicated. It has a cascade effect.”

Top Military Officer: Bergdahl Case Not Closed

By Lolita C. Baldor And Robert Burns

[Associated Press](#), June 4, 2014

WASHINGTON (AP) — The nation’s top military officer said Tuesday the Army could still throw the book at Sgt. Bowe Bergdahl, the young soldier who walked away from his unit in the mountains of eastern Afghanistan and into five years of captivity by the Taliban.

Charges are still a possibility, Gen. Martin Dempsey, chairman of the Joint Chiefs of Staff, told The Associated Press as criticism mounted in Congress about releasing five high-level Taliban detainees in exchange for Bergdahl. The Army might still pursue an investigation, Dempsey said, and those results could conceivably lead to desertion or other charges.

Congress began holding hearings and briefings into the deal that swapped Bergdahl for Taliban officials who had been held at Guantanamo Bay, Cuba, and several lawmakers said that President Barack Obama didn’t notify them as a law governing the release of Guantanamo detainees requires. White House staff members called key members of Congress to apologize, but that didn’t resolve the issue.

Since Dempsey issued a statement Saturday welcoming Bergdahl home, troops who served with the soldier have expressed anger and resentment that his freedom — from a captivity that they say he brought upon himself — may have cost comrades’ lives. Troops sat in stony silence at Bagram Air Field when Defense Secretary Chuck Hagel announced Bergdahl’s release over the weekend.

“Today we have back in our ranks the only remaining captured soldier from our conflicts in Iraq and Afghanistan. Welcome home, Sgt. Bowe Bergdahl,” Dempsey said on Saturday.

However, Dempsey called the AP on Tuesday to note that charges were still a possibility, and he focused his thanks on the service members who searched fruitlessly for Bergdahl after he walked away, unarmed, on June 30, 2009.

“This was the last, best opportunity to free a United States soldier in captivity,” Dempsey said. “My first instinct was gratitude for those who had searched for so long, and at risk for themselves. ... Done their duty in order to bring back a missing soldier. For me, it was about living up to our ethos, which is to leave no soldier behind. And on that basis I was relieved to get Sgt. Bowe Bergdahl back in the ranks, and very happy for the men and women who had sacrificed to do so.”

Dempsey said Bergdahl’s next promotion to staff sergeant, which was to happen soon, is no longer automatic because the soldier is no longer missing in action and job performance is now taken into account.

Dempsey said he does not want to prejudge the outcome of any investigation or influence other commanders’ decisions. But he noted that U.S. military leaders “have been accused of looking away from misconduct” and said no one should assume they would do so in this case.

Army Chief of Staff Gen. John McHugh later said that after Bergdahl recovers physically and is “reintegrated,” the Army would “review the circumstances” of his case.

Some former soldiers who served with him were already passing judgment.

Joshua Cornelison, who was a medic in Bergdahl’s platoon said he believes Bergdahl should be held accountable for walking away.

“After he actually left, the following morning we realized we have Bergdahl’s weapon, we have Bergdahl’s body armor, we have Bergdahl’s sensitive equipment (but) we don’t have Bowe Bergdahl,” Cornelison said from Sacramento, California. At that point, Cornelison said, it occurred to him

that Bergdahl was “that one guy that wanted to disappear, and now he’s gotten his wish.”

Evan Buetow, who was a sergeant in Bergdahl’s platoon, said from Maple Valley, Washington, that Bergdahl should face trial for desertion, but he also said it was less clear that he should be blamed for the deaths of all soldiers killed during months of trying to find him. Buetow said he knew of at least one death on an intelligence-directed infantry patrol to a village in search of Bergdahl.

“Those soldiers who died on those missions, they would not have been where they were ... if Bergdahl had never walked away,” he said. “At the same time I do believe it is somewhat unfair for people to say, ‘It is Bergdahl’s fault that these people are dead.’ I think that’s a little harsh.”

The White House took a fourth straight day of heat for not giving Congress the required 30 days notice of a detainee release. Obama had issued a statement when he signed the law containing that requirement giving himself a loophole for certain circumstances under the executive powers clause of the Constitution.

Obama, at a news conference in Poland, defended the decision to move quickly on the exchange, saying without offering details that U.S. officials were concerned about Bergdahl’s health. Bergdahl was reported to be in stable condition at a military hospital in Germany

“We had the cooperation of the Qataris to execute an exchange, and we seized that opportunity,” Obama said. He said the process of notifying Congress was “truncated because we wanted to make sure that we did not miss that window” of opportunity.

Obama also said the five Taliban officials’ release was conditioned on assurances from officials in Qatar, where they will have to stay for one year, that they will track them and allow the U.S. to monitor them. Still, the president acknowledged the risk.

“We will be keeping eyes on them. Is there the possibility of some of them trying to return to activities that are detrimental to us? Absolutely,” Obama said. “That’s been true of all the prisoners that were released from Guantanamo.”

Sen. Bob Menendez, a New Jersey Democrat and Senate Foreign Relations Committee chairman, expressed reservations.

“I am concerned about what was given in exchange and I am concerned about what precedents we set here for exchanges,” he said. “I don’t want the message to be, ‘You can go ahead and capture Americans and use them to barter for others.’”

Senate Republicans bristled, too, about the lack of notification.

The Obama administration held two interagency briefings for House Speaker John Boehner and key Republican chairmen on Nov. 30, 2011, and Jan. 31, 2012, in

which the possibility was raised of exchanging Bergdahl for the five Taliban detainees.

During those sessions, lawmakers raised concerns about ensuring the detainees did not return to the battlefield, the impact on the Afghan war and whether all efforts were being made to rescue Bergdahl. Members of Congress sent letters to the administration, but heard little in the subsequent months except assurances that they would be contacted if the chances of a swap became more credible.

Then word came on Saturday that the swap had occurred.

Boehner welcomed Bergdahl’s release, but warned of a dangerous precedent for the treatment of U.S. troops.

“One of their greatest protections – knowing that the United States does not negotiate with terrorists – has been compromised,” he said.

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Baldor reported from Brussels. Associated Press writers Bradley Klapper, Donna Cassata, Ken Dilanian, Jim Kuhnnehn and Deb Riechmann in Washington, and Julie Pace in Warsaw, Poland, contributed to this report.

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POW Swap Honors U.S. Promise To Troops: Our View

[USA Today](#), June 4, 2014

Sgt. Bowe Bergdahl is not a sympathetic figure. He surely is not the type of heroic POW the White House would have preferred to rescue in a high-profile prisoner swap.

By most accounts, the free-spirited young soldier from Idaho became disillusioned with the U.S. war effort in Afghanistan, deliberately left his base and stumbled into capture by the Taliban, which held him for almost five years.

Making matters worse, several soldiers died during the frantic hunt for Bergdahl after he disappeared. Whether he was or wasn’t the cause, many of his fellow soldiers hold him responsible.

So it’s hardly surprising that the euphoria at Bergdahl’s release on Saturday has given way to angry second-guessing, particularly over the price the administration paid to get him home. Five senior Taliban militants were released from the Guantanamo prison camp in Cuba and sent to Qatar with flimsy assurances that they’ll be barred from travel for a year.

SEN. RUBIO: Deal endangers Americans abroad

Critics suggest that Bergdahl didn't deserve the efforts to free him, that the price paid to get him back was far too high and that the prisoner swap violates the principle against negotiating with terrorists.

These arguments are not without merit, and this was a very tough call. But there's another principle at play here that trumps the others.

Bergdahl's rescue fulfilled the military's most important promise to anyone who goes in harm's way under the American flag: No servicemember gets left behind. Nothing underlines the credibility of that pledge more than this difficult swap. And that should be reassuring to all of the nation's volunteer forces and their families.

The critics should ask themselves how they would have felt, and what they would have said, had the administration simply allowed an ailing U.S. soldier to die in enemy hands.

As for the freed Taliban prisoners, international law would likely have increased pressure for their release, perhaps in a matter of months, as U.S. involvement in the Afghanistan War winds down.

And as for negotiating with terrorists, presidents don't do it — except when they do. Ronald Reagan, for example, bargained with Iranian militants in 1985 to free U.S. hostages in Lebanon.

Taliban fighters have always had a big incentive to try to kidnap Americans, and they've been remarkably unsuccessful. Bergdahl was the only American POW being held in Afghanistan.

When he gets home, Bergdahl shouldn't get a pass for breaking Army rules, if that's what he did. It was reassuring to hear Gen. Martin Dempsey, chairman of the Joint Chiefs, say Wednesday that officials "will not look away from misconduct if it occurred."

This deal will look better if it helps leverage broader negotiations with the Taliban to end the war, though that hope seems to be fading as militants calculate they can wait out the U.S. exit. Even so, this difficult, imperfect swap was worth doing.

To paraphrase former Defense secretary Donald Rumsfeld, you exchange the prisoners you have, not the prisoners you might want.

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Obama Defends Swap Of Taliban Detainees For Army Sgt. Bowe Bergdahl

By Kathleen Hennessey, Christi Parsons

[Los Angeles Times](#), June 4, 2014

President Obama defended his administration's decision to trade Taliban detainees for the release of Army

Sgt. Bowe Bergdahl on Tuesday, saying there wasn't time to consult with Congress as he followed the "pretty sacred rule" that Americans don't leave men and women in uniform behind on the field of battle.

Obama said his administration had been talking with Congress for "quite some time" about the possibility that they might need to execute a prisoner exchange in order to recover Bergdahl, who went missing in Afghanistan five years ago. Obama said he had to act quickly when the moment presented itself.

"We were concerned about Sgt. Bergdahl's health. We had the cooperation of the Qataris to execute an exchange, and we seized the opportunity," Obama said. "The process was truncated because we wanted to make sure we didn't miss that window."

Shortly after Obama spoke in Warsaw, the National Security Council officially released an explanation of why the administration considered it lawful to transfer the Guantanamo detainees without notifying Congress. The administration determined that the notification requirement didn't apply in this "unique set of circumstances," because providing notice "as specified in the statute could endanger the soldier's life," National Security Council spokeswoman Caitlin Hayden said.

Days after his release over the weekend, Bergdahl still hasn't met with his family, Obama said, citing the lessons of the Vietnam era for that delay. Bergdahl is "obviously" not being interrogated as he undergoes tests and recovers from years of captivity with the Taliban, Obama said in dismissing questions about the circumstances of Bergdahl's 2009 disappearance from his remote military outpost on the border of Pakistan.

The comments came shortly after Obama arrived in Poland on the first stop of his four-day European trip, a tour devoted mostly to conversations about the security of European allies and partners. In a news conference with Polish President Bronislaw Komorowski, Obama addressed the criticism back home about the circumstances of Bergdahl's release and the release of five Taliban members from the detention center at Guantanamo Bay, Cuba.

The release of the Taliban detainees came only after the Qatari government agreed it would be "keeping eyes on them and creating a structure in which we can monitor their activities," Obama said. He acknowledged there is a possibility some of them could return to activities that threaten the U.S., but said that is true of all prisoners who have been released from Guantanamo over time.

"I wouldn't be doing it if I thought it was contrary to American national security," Obama said. "This is what happens at the end of wars," he said, arguing the same was true for George Washington, Abraham Lincoln and Franklin D. Roosevelt.

"That's been true of every combat situation," he said, adding that, "at some point, you try to get your folks back."

Regardless of Bergdahl's circumstances, "whatever those circumstances may turn out to be, we still get an American soldier back if he's held in captivity – period, full stop," he said. "We don't condition that. That's what every mom and dad who sees a son or daughter sent over into war theater should expect – not just from their commander in chief, but also from the United States of America."

Obama Defends Decision To Trade 5 Guantanamo Detainees For Bergdahl

By Zachary A. Goldfarb And Ed O'Keefe

[Washington Post](#), June 4, 2014

WARSAW — President Obama on Tuesday strongly defended his administration's decision to return five detainees held at Guantanamo Bay to the Taliban in exchange for the release of Army Sgt. Bowe Bergdahl after five years of captivity, though he acknowledged that some of the released detainees could once again try to harm the United States.

"We have consulted with Congress for quite some time about the possibility that we might need to execute a prisoner exchange in order to recover Bergdahl," Obama said on a trip to Poland to discuss Eastern European security. "We saw an opportunity, and we were concerned about Bergdahl's health. We had the cooperation of the Qataris to execute an exchange, and we seized that opportunity." He added that "the process was truncated because we wanted to make sure we would not miss that window."

Amid mounting congressional criticism about the operation, senior military leaders also responded to criticism within the ranks toward Bergdahl, who walked off his base and away from his unit five years ago after becoming disillusioned with the war effort. In statements, both the chairman of the Joint Chiefs of Staff and Army Secretary John McHugh appeared to leave open the possibility that the young soldier could face a reprimand of some kind.

"Our first priority is ensuring Sgt. Bergdahl's health and beginning his reintegration process," McHugh said. "There is no timeline for this, and we will take as long as medically necessary to aid his recovery."

The Army, he added, will "then review this in a comprehensive, coordinated effort that will include speaking with Sgt. Bergdahl to better learn from him the circumstances of his disappearance and captivity. All other decisions will be made thereafter, and in accordance with appropriate regulations, policies and practices."

In exchange for the release of U.S. Army Sgt. Bowe Bergdahl, the U.S. agreed to free five Taliban commanders from the military detention center at Guantanamo Bay, Cuba. They were among the Taliban's most influential commanders. (Tom LeGro and Natalie Jennings / The Washington Post)

Obama also refused to rule out that Bergdahl could face punishment for, as some allege, abandoning his unit in Afghanistan. But he said that question is not the priority as Bergdahl recovers from captivity.

"We obviously have not been interrogating Sgt. Bergdahl," Obama said. "He's going to have to undergo a significant transition back into life. He has not even met with his family yet."

Obama added that regardless of the circumstances of his capture, "we still get back an American soldier if he's held in captivity. Period. Full stop."

Obama framed the war decisions he faced as the natural sorts of choices that come with the end of the war.

"It's what happened to George Washington. It's what happened to Lincoln. It's what happened to FDR," he said.

Bergdahl, 28, is believed to have slipped away from his platoon's small outpost in Afghanistan's Paktika province on June 30, 2009. He was captured shortly afterward by enemy forces and held captive in Pakistan by insurgents affiliated with the Taliban. Some U.S. troops resented risking their lives in the weeks that followed to search for someone they considered a deserter.

Since Bergdahl's release, the administration has faced questions over its decision to free the five Guantanamo detainees and to not notify Congress 30 days in advance, as required by law. The administration has said it was forced to move quickly "due to a near-term opportunity to save Sgt. Bergdahl's life." It has also said it had flexibility given a signing statement from Obama last year in which he contended that the notification requirement was an unconstitutional infringement on his powers and that he therefore could override it.

On Tuesday, Caitlin Hayden, a spokeswoman for the National Security Council, said that delaying the swap would have interfered with the president's obligation to "protecting the lives of Americans abroad and protecting U.S. soldiers."

The outlines of the proposed Bergdahl swap had been public since the spring of 2012. Obama administration officials first discussed with senior House Republicans the possibility of swapping five detainees from the U.S. detention facility at Guantanamo Bay, Cuba, in exchange for the release of Bergdahl in late November 2011, according to senior GOP aides.

Still, House Speaker John A. Boehner said Tuesday in a statement that the administration "has invited serious questions into how this exchange went down and the calculations the White House and relevant agencies made in moving forward without consulting Congress despite assurance it would reengage with members on both sides of the aisle."

House Armed Services Committee Chairman Howard P. "Buck" McKeon (R-Calif.) has said he will hold hearings on

the matter, and Boehner said in his statement Tuesday that he supports that decision.

Sen. Dianne Feinstein (D-Calif.), chairwoman of the Senate Intelligence Committee, confirmed Tuesday that she and other senior lawmakers first discussed the possibility of a prisoner swap with administration officials in fall 2011.

During the consultations, "There were very strong views and they were virtually unanimous against the trade," she said.

Despite the objections, "The White House is pretty unilateral about what they want to do when they want to do it," Feinstein added later. "I think the notification to us is important and I think that it would have been a much better thing to do, because you do try to work together and you understand you're not always going to agree with the executive."

Feinstein said she received a phone call from White House Deputy National Security Adviser Tony Blinken on Monday evening, during which he apologized for not informing her of the plans sooner. "He apologized and said it was an oversight, so I just accept that," Feinstein said.

Sen. Carl Levin (D-Mich.), chairman of the Senate Armed Services Committee, said that members of Congress "should not be surprised that [Obama] acted as he did in the circumstances that existed."

He added, however, that he intends to ask Defense Secretary Chuck Hagel what risks the United States would have incurred if the administration had waited 30 days after finishing negotiations to complete the transfer of the Guantanamo detainees.

In Warsaw, Obama said both the United States and authorities in the Persian Gulf emirate of Qatar, who helped organize the trade, would closely monitor the released Guantanamo detainees.

"Is there the possibility of some of them trying to return to activities that are detrimental to us? Absolutely," Obama said in a news conference with Poland's president. "There's a certain recidivism rate that takes place."

But Obama added that he would not have authorized the trade if he "thought it was contrary to U.S. national security."

Obama Defends Swap Of Taliban For American P.O.W.

By Peter Baker

[New York Times](#), June 4, 2014

WARSAW — President Obama defended on Tuesday the prisoner swap that freed an American soldier in Afghanistan and vowed to keep watch over the five Taliban figures released from the American prison camp in Guantánamo Bay, Cuba, in exchange.

Responding to criticism of the trade for the first time, Mr. Obama dismissed questions about whether the freed prisoner, Sgt. Bowe Bergdahl, deserved special efforts, given reports that he deserted his post in combat. And the president said he had opted not to notify Congress in advance as required by law because there was not enough time.

"The United States has always had a pretty sacred rule, and that is: we don't leave our men or women in uniform behind," Mr. Obama told reporters in Warsaw during the first stop on his four-day European trip.

Asked about the circumstances of Sergeant Bergdahl's capture by the Taliban, Mr. Obama said that no one was debriefing him yet and that it did not change the responsibility to try to recover him.

"Regardless of circumstances, whatever those circumstances may turn out to be, we still get an American prisoner back," he said. "Period. Full stop. We don't condition that."

Mr. Obama brushed off accusations that he had violated a law requiring a 30-day advance notice to Congress before releasing prisoners from Guantánamo, saying the urgency of the moment made that impractical.

"We have consulted with Congress for quite some time about the possibility that we might need to execute a prisoner exchange in order to recover Sergeant Bergdahl," he said. "We saw an opportunity. We were concerned about Sergeant Bergdahl's health."

He added, "The process was truncated because we wanted to make sure we did not miss that window."

The president said the five Taliban figures sent to Qatar in return for Sergeant Bergdahl would be monitored.

"We will be keeping eyes on them," he said. "Is there the possibility of some of them trying to return to activities that are detrimental to us? Absolutely. That's been true of all the prisoners who have been released from Guantánamo. There is a certain recidivism that takes place. I wouldn't be doing it if I thought it would be contrary to American national security."

Gen. Martin E. Dempsey, the chairman of the Joint Chiefs of Staff, said the military would determine whether Sergeant Bergdahl had violated rules by leaving his post nearly five years ago. He said the soldier should not be judged until evidence is collected.

"The questions about this particular soldier's conduct are separate from our effort to recover ANY U.S. service member in enemy captivity," General Dempsey wrote on his Facebook page.

"This was likely the last, best opportunity to free him," the general said. "As for the circumstances of his capture, when he is able to provide them, we'll learn the facts. Like any American, he is innocent until proven guilty. Our Army's leaders will not look away from misconduct if it occurred. In the meantime, we will continue to care for him and his family."

General Dempsey's Facebook post — which the White House uncharacteristically immediately sent around to reporters — is the strongest indication yet that the Defense Department may pursue some sort of punitive action against Sergeant Bergdahl. But the Pentagon has swung back and forth on the issue since the sergeant's release on Saturday, first saying that whatever his crime, five years as a prisoner in Afghanistan was punishment enough, then saying that officials were unsure what they would do, then returning to the "five years is punishment enough," line, as a senior defense official said on Monday.

In an interview with the Associated Press on Tuesday, General Dempsey also said that Sergeant Bergdahl's next promotion to staff sergeant, which was set to happen soon, is no longer automatic because the sergeant isn't missing in action any longer.

The decision by the White House to draw notice to General Dempsey's Facebook post was an indication of the huge political pressure Mr. Obama has been under since his decision to swap the detainees for Sergeant Bergdahl, one administration official said.

The administration argued that it had not violated the law by failing to provide the notice to Congress. Mr. Obama has in the past objected to that provision because of what he called its unconstitutional infringement on the power of the executive.

Caitlin Hayden, a spokeswoman for the White House National Security Council, said Defense Secretary Chuck Hagel had approved the prisoner swap and had agreed that the 30-day notice should not apply in this instance.

"The administration determined that the notification requirement should be construed not to apply to this unique set of circumstances," Ms. Hayden said, because Mr. Hagel "determined that providing notice as specified in the statute could endanger the soldier's life."

Ms. Hayden added that the law in this case would "interfere with the executive's performance" of functions assigned by the Constitution, namely protecting American lives abroad and protecting American soldiers. "We believe it is fair to conclude that Congress did not intend that the administration would be barred from taking the action it did in these circumstances," she said.

Helene Cooper contributed reporting from Brussels.

Criticism Mounts Over Sgt. Bergdahl's Exchange

By Kristina Peterson And Michael R. Crittenden
[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

WH Apologizes To Senate Intel Chief For Prisoner Swap Secret

By Alexander Bolton
[The Hill](#), June 3, 2014

The White House has apologized to Senate Intelligence Committee Chairwoman Dianne Feinstein (D-Calif.) for failing to alert her in advance of a decision to release Taliban commanders from Guantanamo Bay.

Feinstein told reporters that she received a call from Deputy National Security Adviser Tony Blinken on Monday evening apologizing for what the administration is calling an "oversight."

"I had a call from the White House last night, from Tony Blinken, apologizing for it," she said.

"He apologized and said it was an oversight," she added.

Feinstein also said leaders of the House and Senate Intelligence panels were almost unanimously against a prisoner trade when it came up in 2011.

She said the chairmen and ranking Republicans of the "connected committees" spent a lot of time in 2011 reviewing the possibility of a prisoner swap and came out firmly opposed to releasing senior militants from the prison camp at Guantanamo Bay.

"There were very strong views and they were virtually unanimous against the trade," she said.

"I certainly want to know more about whether this man was a deserter," she said of Sgt. Bowe Bergdahl, who was released to American special forces in return for the freedom of five senior Taliban commanders.

Administration officials have said in public that they did not have time to inform Congress of the prisoner swap because Bergdahl's life was in danger and they did not know how long the Taliban would be willing to wait to finalize the deal.

The National Defense Authorization Act required the administration to alert Congress of the pending release of prisoners from Guantanamo at least 30 days in advance.

"The notification to us is important and I think that it would have been a much better thing to do because you do try to work together," Feinstein said.

Senate Majority Leader Harry Reid (D-Nev.) said Tuesday he was notified by the administration of the prisoner swap immediately before it happened.

President Obama Defends Bowe Bergdahl Deal

By Jennifer Epstein
[Politico](#), June 3, 2014

President Barack Obama defended his administration's efforts to rescue Sgt. Bowe Bergdahl from captivity, arguing

Tuesday that what was most important was bringing an American soldier home.

The United States has a “pretty sacred rule and that is we don’t leave our men or women in uniform behind and that dates back to the earliest days,” Obama said at a press conference in Warsaw, Poland, the first stop on a three-country European trip.

“Regardless of the circumstances, whatever those circumstances may turn out to be, we still get an American soldier back if he’s held in captivity. Period. Full stop. We don’t condition that,” he said.

Though congressional Republicans and some Democrats have been voicing their dismay about not being notified of the prisoner swap with the standard 30 days of advance notice, Obama asserted that his administration had been consulting with lawmakers “for some time” and had made clear that it might have to take quick action.

House Intelligence Committee Chairman Mike Rogers (R-Mich.) pushed back on that assertion, saying Tuesday that Congress hadn’t heard from the Obama administration since 2011 on the possibility of a prisoner swap with the Taliban.

“I don’t know what he means by consulted Congress for some time,” Rogers said on MSNBC’s “Morning Joe” in response Obama’s comments. “In 2011, they did come up and present a plan that included a prisoner transfer that was, in a bipartisan way, pushed back. We hadn’t heard anything since on any details of any prisoner exchange.”

The White House did not tell lawmakers the deal was made until after the fact, and the formal notification did not happen until Monday, two days after Obama stood triumphantly in the Rose Garden of the White House with Bergdahl’s parents.

Obama argued Tuesday that his administration did what was right and appropriate, a necessary move to bring an American home. “We saw an opportunity, we were concerned about Sgt. Bergdahl’s health, we had the cooperation of the Qataris to execute an exchange and we seized that opportunity,” he said. “We wanted to make sure we did not miss that window,” he later added.

Bergdahl has been the target of criticism from some who served with him in Afghanistan, who argue that he is guilty of desertion because he allegedly walked off his base unarmed in 2009 after expressing concerns about the U.S. mission against the Taliban. Obama acknowledged that there are questions surrounding the circumstances that led to Bergdahl’s capture, but said that officials’ immediate focus is on helping the soldier recover from the stresses of his captivity.

“We obviously have not been interrogating Sgt. Bergdahl. He is recovering from five years of captivity with the Taliban,” the president said.

Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey, writing on Facebook early Tuesday, said that any

concerns about Bergdahl’s conduct “are separate from our effort to recover ANY U.S. service member in enemy captivity. This was likely the last, best opportunity to free him.”

Dempsey added that “like any American, [Bergdahl] is innocent until proven guilty. Our Army’s leaders will not look away from misconduct if it occurred. In the meantime, we will continue to care for him and his family. Finally, I want to thank those who for almost five years worked to find him, prepared to rescue him, and ultimately put themselves at risk to recover him.”

Pressed on whether Bergdahl will face questioning and possibly a court martial for desertion — an outcome that’s been raised by some observers — Obama said that discussion was still premature.

“That’s not something that we’re discussing at this point because our main priority is making sure that the transition that he is undergoing after five years of captivity is successful,” he said.

Obama also responded Tuesday to claims that his agreeing to the release of five members of the Taliban who had been detained for years at Guantanamo Bay, Cuba poses a threat to U.S. national security.

Their release “was conditioned on the Qataris keeping eyes on them and creating a structure in which we can monitor their activities. We will be keeping eyes on them,” he said. “Is there the possibility of some of them trying to return to activities that are detrimental to us? Absolutely. That’s been true of all the prisoners that were released from Guantanamo. There is a certain recidivism rate that takes place.”

But, he added, “I wouldn’t be doing it if I thought that it was contrary to American national security and we have confidence that we will be in a position to go after them if in fact they are engaging in activities that threaten our defenses.”

Jonathan Topaz contributed to this report.

Obama Never Consulted With Congress On Taliban Prisoners: Boehner

By Stephen Dinan

[Washington Times](#), June 4, 2014

House Speaker John A. Boehner said Tuesday that President Obama may have broken the law in failing to notify Congress of his plans to transfer Taliban fighters from Guantanamo Bay, elevating the battle over this weekend’s deal to a constitutional clash between Congress and the executive branch.

Mr. Boehner said the White House avoided fulfilling the law because officials knew they wouldn’t get approval of Congress, after earlier broad overtures about a prisoner exchange met with resistance.

“There was every expectation that the administration would re-engage with Congress, as it did before, and the only

reason it did not is because the administration knew it faced serious and sober bipartisan concern,” Mr. Boehner said in a statement.

Mr. Obama this weekend announced he had agreed to exchange five Taliban fighters for Army Sgt. Bowe Bergdahl, who was captured by Taliban-aligned forces in Afghanistan in 2009.

The exchange has drawn fierce criticism from Republicans in Congress who say it was a bad deal, and who charge it violates the 2014 defense policy law, which requires consultation with Congress 30 days before prisoners are released from the detention facility at Guantanamo Bay, Cuba.

Some Democrats have defended Mr. Obama.

Sen. Carl Levin, chairman of the Armed Services Committee, said when Mr. Obama issued a signing statement late last year laying out how he interpreted the 2014 defense policy law, Congress should have considered that sufficient notice that the president was seeking transfer detainees from Guantanamo.

“While the president cannot change the law with a signing statement, given that notice, members of Congress should not be surprised that he acted as he did in the circumstances that existed,” Mr. Levin said.

The administration raised the possibility of an exchange involving the five Taliban warriors as far back as 2011, but met with stiff resistance from members of Congress.

Republicans say the administration itself acknowledged that it needed to do more consultation, pointing to a June 21, 2013, statement by White House press secretary Jay Carney saying they wouldn’t make any decisions about transferring detainees “without consulting with Congress and without doing so in accordance with U.S. law.”

The Taliban prisoner deal is the latest time Mr. Boehner and Mr. Obama have clashed over whether the president followed the law.

Several years ago, Mr. Boehner accused Mr. Obama of breaking the War Powers Resolution by committing troops to Libya without gaining congressional approval.

White House Defends Keeping Congress In Dark On Bergdahl

Says advance warning could have ‘endangered’ POW’s life

By Guy Taylor

[Washington Times](#), June 4, 2014

White House security advisers pushed back again Tuesday against Republican claims that President Obama overstepped his authority by not informing Congress about the deal being cut with the Taliban to releasing five Guantanamo inmates in exchange for captured Army Sgt. Bowe Bergdahl.

Several Republicans, including House Armed Services Committee Chairman Howard “Buck” McKeon of California, have noted that federal law requires the secretary of defense to notify Congress at least 30 days prior to releasing any prisoners from the terrorist detainee site.

Obama administration officials, including National Security Adviser Susan E. Rice, have acknowledged that administration officials skirted that requirement when pursuing the Bergdahl deal with the Taliban.

“Given the acute urgency of the health condition of Sgt. Bergdahl, and given the president’s constitutional responsibilities, it was determined that it was necessary and appropriate not to adhere to the 30-day notification requirement,” Ms. Rice told CNN on Sunday.

White House officials under Ms. Rice on Tuesday circulated a new statement to reporters, insisting that the Bergdahl case represented a “unique set of circumstances” that overrode the 30-day notification requirement.

Administration officials “determined that the notification requirement should be construed not to apply to this unique set of circumstances,” since providing the legal notice in the statute “could endanger the soldier’s life,” National Security Council spokesperson Caitlin Hayden said in the statement.

It remains to be seen whether Republican lawmakers on Capitol Hill will accept that argument. Mr. McKeon said Monday that he and other lawmakers “will be holding hearings” on the matter.

“My perception is [President Obama] broke the law by not informing Congress 30 days before,” the California Republican told MSNBC on Monday, adding that his concern was not rooted in politics, but the law.

“This is not a partisan issue,” Mr. McKeon said. “I’m sorry that this is being portrayed as a Republican issue. Democrats also voted for this law. It was important for our national security.”

WH: GOP Backed Efforts To Free Bergdahl

By Justin Sink

[The Hill](#), June 3, 2014

White House aides on Tuesday accused some Republican lawmakers objecting to the controversial prisoner exchange that freed Sgt. Bowe Berghdal of hypocrisy on social media.

The administration has come under fire for the swap, which freed five Taliban militants imprisoned at Guantanamo Bay.

Critics said that the White House enabled the release of hardened terrorists and some lawmakers charged the administration with violating a federal law requiring 30 days notification before detainees are transferred from Guantanamo Bay.

Controversy has also erupted over Berghdal’s behavior prior to his capture by the Taliban in Afghanistan, with some

lawmakers accusing him of desertion. According to fellow soldiers, he intentionally walked away from his campsite, leaving a note indicating that he no longer believed in the U.S. mission there.

But on Twitter Tuesday, White House officials noted instances where some of those same GOP critics previously voiced support for efforts to free Bergdahl.

Sen. John McCain (R-Ariz.) has criticized the release of Gitmo detainees, telling CBS News he found it “disturbing that these individuals would have the ability to re-enter the fight, and they are big, high-level people, possibly responsibly for the deaths of thousands.”

The Arizona lawmaker also told BuzzFeed that the decision to bring Bergdahl home was “ill-founded” and a “mistake” that endangered American servicemen.

But White House spokesman Eric Schultz noted instances where McCain had previously said he was “inclined to support” a prisoner exchange.

White House director of progressive media Jesse Lee also highlighted the Arizona senator’s stated support for a swap of Guantanamo prisoners.

COOPER: Some sort of exchange, that’s something you would support? McCAIN: I would support. The White House staffers also targeted Sen. Kelly Ayotte (R-N.H.), who told a local newspaper that “the administration’s decision to release these five terrorist detainees endangers U.S. national security interests.”

interesting MT @igorvolsky: Ayotte issued rlse bragging she “worked successfully” to pass provision requiring Pakistan to help find Bergdahl— Eric Schultz (@Schultz44) June 3, 2014

And Sen. James Inhofe (R-Okla.), the top Republican on the Senate Armed Services Committee, warned in a statement that the president’s move “may have consequences for the rest of our forces and all Americans.”

“Our terrorist adversaries now have a strong incentive to capture Americans. That incentive will put our forces in Afghanistan and around the world at even greater risk,” he said.

That statement also drew a rebuttal from Schultz.

huh MT: @igorvolsky Inhofe on Bergdahl in 2013: “It’s important that we make every effort to bring this captured Soldier home to his family”— Eric Schultz (@Schultz44) June 3, 2014

The online push is only part of the administration’s effort to quell criticism over the deal.

Earlier Tuesday, White House press secretary Jay Carney and deputy national security adviser Tony Blinken sat for television interviews where they defended the exchange.

“We do not allow members of the military being held by the enemy to sit and rot,” Carney told CNN.

“The principle at stake here is: Do we, the United States, leave our uniformed members of the military behind

when they’ve been captured by the enemy. And the answer is: no. We don’t do that. That’s why the commander in chief acted as he did,” Carney added.

At a joint press conference earlier Tuesday, President Obama argued the deal was the right thing to do.

“Regardless of the circumstances, we still get an American soldier back if he’s held in captivity,” Obama said. “Period. Full stop.”

Taliban Release For Bergdahl: Obama Overrode Internal Objections

By Massimo Calabresi

[TIME](#), June 4, 2014

To pull off the prisoner swap of five Taliban leaders for Sgt. Bowe Bergdahl, the White House overrode an existing interagency process charged with debating the transfer of Guantanamo Bay prisoners and dismissed long-standing Pentagon and intelligence community concerns based on Top Secret intelligence about the dangers of releasing the five men, sources familiar with the debate tell TIME.

National Security Council officials at the White House decline to describe the work of the ad hoc process they established to trade the prisoners, or to detail the measures they have taken to limit the threat the Taliban officials may pose. They say consensus on the plan was reached by the top officials of Obama’s national security team, including representatives from the Pentagon, State Department, intelligence community and Joint Chiefs of Staff. “These releases were worked extensively through deputies and principals,” says National Security Counsel Deputy for Strategic Communications Ben Rhodes. “There was not a dissent on moving forward with this plan.”

But officials in the Pentagon and intelligence communities had successfully fought off release of the five men in the past, officials tell TIME. “This was out of the norm,” says one official familiar with the debate over the dangers of releasing the five Taliban officials. “There was never the conversation.” Obama’s move was an ultimate victory for those at the White House and the State Department who had previously argued the military should “suck it up and salute,” says the official familiar with the debate.

Obama has broad authority under Article II of the U.S. Constitution to order the prisoner exchange as commander in chief of America’s armed forces. The lengths to which he went to bring it about show how determined he was to resolve the lingering issue of America’s only prisoner of war in Afghanistan.

The Obama administration first considered whether the five men were safe to release at the very start of his term as president. In January 2009, Obama ordered a Justice Department-led review of all 240 Guantanamo Bay detainees. The five Taliban leaders were found to be high

risks to return to the fight against Americans, confirming Bush administration assessments of the threat they posed, according to officials familiar with the group's findings. "These five are clearly bad dudes," says a second source familiar with the debate over their release, adding that the detainees are likely to return to the fight.

Thereafter, the administration established a regular process for handling the release of detainees from the military prison at Guantanamo Bay. Releases were considered and approved through the "Guantanamo Transfer Working Group" which comprised officials from the State Department, the Pentagon, the intelligence community, the Department of Homeland Security and the Joint Chiefs of Staff. Over time, 82 detainees have been released by the Obama administration, according to the latest report to Congress by the Office of the Director of National Intelligence.

The question of the release of the five Taliban leaders was a recurrent subject of debate in the administration and was a key element of the behind the scenes effort by the State Department and the White House to negotiate a peace deal with the Taliban. The transfer of the five was discussed as a possible confidence-building measure to pave the way for a deal. The debates over their release were contentious, officials familiar with them say.

Those opposing release had the benefit of secret and top secret intelligence showing that the five men were a continuing threat, officials familiar with the debate tell TIME. But in the push from the White House and the State Department to clear the men, opponents to release found themselves under constant pressure to prove that the five were dangerous. "It was a heavy burden to show they were bad," says the second source familiar with the debate.

Opponents of release say absent a peace deal with the Taliban, the release makes no sense. "When our military is engaged in combat operations you're always going to err on the side of caution," says the first official familiar with the debate. "Just conceptually, how much sense does it make to release your enemy when you're still at war with him?"

During previous debates, opponents were aided by a law passed by Congress during Obama's first term that required the administration to certify to a set of onerous conditions that the administration said were nearly impossible to meet. That changed thanks to the efforts of Sen. Carl Levin, who managed to weaken certification standards in the 2014 National Defense Authorization Act to allow the Secretary of Defense to release Guantanamo prisoners when it is in the national security interests of the United States.

That change made it easier for the President to exert his commander in chief powers in effecting the prisoner swap. So far the White House has said little about the measures they negotiated to assure the men would not be a threat upon release. Administration officials have said the men will remain in Qatar under a one-year travel ban. Under existing

procedure, released detainees are monitored by the CIA station chief in the country where they reside. On Tuesday, Obama said he had confidence the U.S. would "be in a position to go after them if in fact they are engaging in activities that threaten our defense."

But Republicans now question whether the president has gone too far, even under the new law, which still requires 30 days' notice ahead of a release from Guantanamo Bay. Administration officials told members of the Senate armed services and intelligence committees "repeatedly they weren't going to [release the five men] and they would be notified and consulted if they did," says a GOP Senate aide. The committees were only notified after the fact.

At least one member of the Senate did have advance notice. "We were notified of the plan to secure Sergeant Bergdahl's release on Friday," said Adam Jentleson, a spokesman for Senate Majority Leader Harry Reid. A spokesman for Republican House Speaker John Boehner, however, told TIME that there was no advance notice given to the leader of the House. Senate Intelligence Chair Dianne Feinstein was not informed in advance, either, and on Tuesday Deputy National Security Advisor Tony Blinken called her to apologize for the oversight, she told reporters.

The White House said Tuesday the President had exercised his constitutional authority out of a sense of urgency for Bergdahl's safety. "Delaying the transfer in order to provide the 30-day notice would interfere with the Executive's performance of two related functions that the Constitution assigns to the President: protecting the lives of Americans abroad and protecting U.S. soldiers," National Security Council spokeswoman Caitlin Hayden said in a statement released to the press. "Because such interference would significantly alter the balance between Congress and the President, and could even raise constitutional concerns, we believe it is fair to conclude that Congress did not intend that the Administration would be barred from taking the action it did in these circumstances," Hayden said.

Jack Goldsmith, a Bush administration veteran of the battles between the executive branch and Congress over Commander-in-Chief powers in the war against terrorists, says Obama may have been acting legally. On the website Lawfare Tuesday he wrote, "If the statute impinged on an exclusive presidential power, the president properly disregarded it and did not violate it."

Even many of those who opposed the release in the past accept the president has the power in conflicts to effect a prisoner swap. "We have done prisoner swaps in the past," says the first official familiar with the debate over the release. But, the official added, "That's been in international armed conflict where you have a state with which you can negotiate and you can say this guy will not go back to the fight."

Prisoner Deal Puts President On Defensive

By Charlie Savage And David E. Sanger
[New York Times](#), June 4, 2014

WASHINGTON — The White House argued on Tuesday that the “unique circumstances” presented by the opportunity to return Sgt. Bowe Bergdahl gave President Obama the authority to lawfully bypass a federal statute requiring the Pentagon to notify Congress a month before he transferred the five Taliban detainees necessary to complete the deal.

But the White House was forced by turns to defend its decision not to notify Congress and to send important aides to apologize to angry lawmakers who said they were left out of the decision.

A timeline of the negotiations with the Taliban, provided by the White House, made clear that it knew an imminent transfer was possible by mid-May, roughly two weeks before it took place. And officials familiar with the sequence of events said it was a desire to keep the talks secret for fear that any disclosure would scuttle the negotiations — and perhaps a reluctance to re-engage with Democratic and Republican members of Congress who were critical of the proposed swap in 2011 and early 2012 — that motivated the White House decision.

Arriving in Warsaw on Tuesday on the first leg of a four-day European trip, Mr. Obama also found himself on the defensive over whether Sergeant Bergdahl deserved special efforts to bring him home. “The United States has always had a pretty sacred rule, and that is, we don’t leave our men or women in uniform behind,” he said.

Denis McDonough, the White House chief of staff, traveled to Capitol Hill on Tuesday to calm Democrats at their weekly caucus lunch, a day after saying that “we didn’t have 30 days” to inform Congress about the negotiations with the Taliban.

Senator Dianne Feinstein, the chairwoman of the Senate Intelligence Committee, said she had received a call from Antony Blinken, the deputy national security adviser, on Monday night apologizing for the failure to notify Congress. The ranking Republican, Senator Saxby Chambliss of Georgia, said he had received a similar apology Monday night.

Ms. Feinstein noted that when conversations between the Obama administration and Congress about the potential swap were held 18 months ago, “there were very strong views, and they were virtually unanimous against the trade.”

The White House’s problem has its roots in a federal statute that requires the secretary of defense, before transferring a detainee from the prison at Guantánamo Bay, Cuba, to notify Congress 30 days beforehand. Defense Secretary Chuck Hagel provided that notice only as the transfer was already taking place.

Republican lawmakers have accused Mr. Obama of violating that law. On Tuesday, speaking in Poland, Mr.

Obama cited exigent circumstances that made a month’s delay impractical and argued that the previous consultations with Congress, from November 2011 to January 2012, constituted the necessary consultation.

But hours before he spoke, Caitlin Hayden, the National Security Council spokeswoman, issued a 450-word statement arguing that no such notice was required at all. She wrote that the administration’s legal team had interpreted the notice law as not applying in the “unique circumstances” of the opportunity to rescue Sergeant Bergdahl, including a determination that providing the 30-day notice could have endangered his life.

“Given the credible reports regarding the risk of grave harm to Sergeant Bergdahl and the rapidly unfolding events surrounding his recovery, it was lawful for the administration to proceed with the transfer notwithstanding the notice requirement,” in the National Defense Authorization Act of 2014, she said.

Ms. Hayden’s statement interpreted the statutory requirement as containing an unwritten exception. She wrote that “we believe it is fair to conclude that Congress did not intend” to bar the executive branch from taking the action it did under those circumstances.

That interpretation has drawn fire. Jack Goldsmith, a Harvard Law School professor who was a senior Justice Department lawyer in the Bush administration, called the interpretation unconvincing, noting that elsewhere in the same act Congress imposed requirements that contained explicit exceptions.

But the administration is also arguing that its interpretation of the law is reasonable because the alternative view — that the law contains no unwritten exceptions — could render the statute unconstitutional as applied to a situation like the Bergdahl deal.

“In these circumstances, delaying the transfer in order to provide the 30-day notice would interfere with the executive’s performance of two related functions that the Constitution assigns to the president: protecting the lives of Americans abroad and protecting U.S. soldiers,” Ms. Hayden said, adding that doing so could raise “constitutional concerns.”

The implication of her statement, legal specialists said, is that if the law does not contain an exception for circumstances like the Bergdahl deal, it would infringe on the president’s commander in chief powers, suggesting he could lawfully override it anyway. To avoid that sort of conflict, it is better to interpret the statute as allowing exceptions.

Ms. Hayden’s statement was a step away from earlier signs that Mr. Obama had simply overridden the statute. On Sunday, for example, when Mr. Hagel was asked about not obeying the notice law, he told reporters, “We believe that the president of the United States is commander in chief, has the

power and authority to make the decision that he did under Article II of the Constitution.”

When the Bush legal team made their frequent claims that the commander in chief could bypass statutory restrictions at his discretion, it, too, softened those claims by saying it would “construe” what appeared to be legal mandates as merely advisory or as containing unwritten exceptions to avoid the constitutional conflicts it claimed would otherwise arise.

Mr. Bush made many of those claims in signing statements. Mr. Bush used that device to advance sweeping theories of executive power and challenged about 1,200 provisions of laws — more than twice as many as all previous presidents combined — including a torture ban and oversight requirements on the Patriot Act.

During the 2008 campaign, Mr. Obama, then a senator, called Mr. Bush’s practice an “abuse,” saying that he would use the device with more restraint. At the time, he defined restraint as not issuing statements that would “nullify or undermine congressional instructions.” After he became president, Mr. Obama issued a memorandum that subtly relaxed that standard, instead defining restraint as invoking only well-founded legal theories.

In December, Mr. Obama issued a signing statement of his own about the 30-day notice statute. It said that in certain circumstances, other restrictions on transfers “would violate constitutional separation of powers principles,” and that if those circumstances arose, “my administration will implement them in a manner that avoids the constitutional conflict.”

By now acting on that claim, critics say, Mr. Obama has taken another step toward practices by his predecessor that he once criticized.

Bowe Bergdahl’s Return Ignites Debates

By Philip Ewing

[Politico](#), June 3, 2014

If few people expected to see Bowe Bergdahl again, fewer still could have expected the shock waves he’s creating in Washington.

The rescue of Bergdahl, the Army sergeant held for five years by the Taliban, has not followed a Hollywood script about the last prisoner of war freed near the close of a war. Instead it has sparked a reckoning about national security, reigniting intense questions about America’s strategic trajectory since 2001.

How long can the U.S. keep open its terrorist prison at Guantanamo Bay — and what’s to become of those interned there? What is the value of the life of an American soldier? And just what has the U.S. gained from 13 years of war in Afghanistan?

None are new questions, but Bergdahl, handed over to American special operators in exchange for the release of

five top Taliban leaders, reawakens and personifies all of them in one convenient political tackling dummy.

On the last point especially, the Bergdahl story has enabled people intimately connected to the war in Afghanistan — former soldiers who were there with him, or the families of those killed — to find the voice to talk openly about their frustrations with a conflict that has long been off the radar screen for most Americans.

Former Army Pfc. Jose Baggett, who was in Bergdahl’s unit, told CNN that he blamed Bergdahl for the deaths of two friends.

“He walked off,” Baggett said. “He left his guard post. Nobody knows if he defected or he’s a traitor or he was kidnapped. What I do know is, he was there to protect us, and instead he decided to defer from America and go and do his own thing. I don’t know why he decided to do that, but we spent so much of our resources, and some of those resources were soldiers’ lives.”

Troops and administration critics are angry about a growing number of reports that Bergdahl may have deliberately walked away from his post in Afghanistan, perhaps even to seek out the Taliban. That decision, they argue, whether reckless or planned, cost the lives of troops who had to go after him.

In fact, the response of some troops and their families over the past 48 hours has been something of a complaint, in microcosm, about the entire war in Afghanistan: This cost our guys their lives — and for what?

Others, however, are quick to add that Bergdahl could only ever be responsible for so much.

“Re Bergdahl: If we’re trying people for causing the deaths of soldiers, I know of a lot of people more culpable than a depressed private,” defense author Tom Ricks wrote on Twitter.

The back and forth has put President Barack Obama and the Pentagon in a position that might have been unthinkable in 2010 or 2011 — defending the decision to bring home a captured American soldier.

In fact, members of the same Congress that once demanded a brand-new fleet of mine-resistant vehicles to protect troops in Iraq and Afghanistan — and damn the cost — say the White House gave too much for him.

“The problem that I have, and many others have, is what we paid for that release, and that is releasing five of the most hardened anti-American killers,” Sen. John McCain (R-Ariz.) said on CNN. “If the past proves true, they’ll be back in the battlefield putting lives of Americans in danger in the future.”

That doesn’t mean Bergdahl didn’t deserve to be freed, acknowledged McCain, who suffered his own nightmare as a POW in Vietnam. But the release hasn’t only brought criticism from people like Obama’s old 2008 presidential opponent.

Activists from the anti-war and anti-Guantanamo group Code Pink wrote Tuesday that Obama's ability to trade the five prisoners for Bergdahl proves he has the power to release whoever he wants, whenever — so why doesn't he just close it down for good?

Pentagon leaders, mindful of the unequaled renown in which Americans have held the military since Sept. 11, say they're relieved that at least no one is saying Washington should not have made the deal.

Joint Chiefs Chairman Gen. Martin Dempsey wants to separate whatever circumstances caused Bergdahl to fall into Taliban hands from the top priority the Army must give to bringing home every soldier it sends overseas.

"The questions about this particular soldier's conduct are separate from our effort to recover any U.S. service member in enemy captivity," Dempsey said Tuesday. "This was likely the last, best opportunity to free him. As for the circumstances of his capture, when he is able to provide them, we'll learn the facts."

Dempsey told reporters traveling with him that he was pleased no one appeared to be questioning that principle.

"What I find encouraging is that's the given in this conversation," he said.

It isn't clear yet what kind of staying power the Bergdahl story will have in Washington, although members of Congress are already planning hearings about the transfer — and demanding answers from the Obama administration.

The White House appears to be operating under the doctrine that it's better to ask forgiveness than to ask permission, sending letters to members of Congress apologizing for not notifying them about the Gitmo transfer. But that may only buy so much goodwill.

Even the president's own allies, such as Senate Armed Services Committee Chairman Carl Levin of Michigan, sounded skeptical about the White House's decision to release the detainees without the month of warning the law says it owes Congress.

"I intend to ask what risks we would have incurred if the Secretary of Defense had decided to wait 30 days after completing negotiations and providing the required notice to Congress rather than acting immediately," Levin said Tuesday.

Members also seem likely to press administration witnesses on their initial claims that Bergdahl's life was in danger. Defense Department spokesman Col. Steve Warren told reporters that Bergdahl had arrived at a hospital in Germany malnourished but in "stable" condition.

It could be weeks or months before he moves to Brooke Army Medical Center in Texas, officials say, given that there is no set pace to reintegrate former POWs into society. They can go only as fast as they and their medical team can sustain — meaning this week's flare-up could fizzle out

before Army investigators can conduct a serious debrief and officially determine what to do with Bergdahl.

Bergdahl hasn't even spoken to his parents yet, Warren said.

Army Secretary John McHugh said Tuesday that the next moves will only be clear after the Army hears from the one person who has not spoken out since this weekend's handover: Bergdahl himself.

"All other decisions will be made thereafter, and in accordance with appropriate regulations, policies and practices," McHugh said.

New Questions Raised About Bergdahl's Capture

By Jim Michaels

[USA Today](#), June 4, 2014

WASHINGTON — Two days after the surprise news that Sgt. Bowe Bergdahl would be released in a prisoner swap with the Taliban after five years in captivity, new criticism surfaced Monday about Bergdahl's conduct that led to his capture.

The Pentagon has not said how Bergdahl was captured, but a defense official has confirmed he walked off his post without authorization before he was captured. The official, who declined to be identified because he was not authorized to speak about the case, would not provide further details about the day he disappeared.

On the Facebook page of his unit, the 1st Battalion, 501st Parachute Infantry Regiment, 4th Brigade Combat Team, which is based in Alaska, a number of people characterized Bergdahl as a deserter who should be held accountable for his actions.

"Now he can stand trial for deserting his post," wrote Brandon Fall.

Those who served with him are also raising questions. "Bergdahl was a deserter, and soldiers from his own unit died trying to track him down," Nathan Bradley Bethea, who said he served in Bergdahl's unit, wrote in the Daily Beast.

Former Alaska governor Sarah Palin addressed President Obama on her Facebook page Monday: "Please use your White House Rose Garden to praise the truly honorable service of our good U.S. troops who were killed in their search for Sgt. Bergdahl." She also noted anti-American statements attributed to Bergdahl.

At the time of his capture, the Pentagon said it was pulling out all stops to search for the soldier, who was the only American servicemen held by the Taliban until he was released over the weekend.

The Pentagon has said it is focusing now on the health of Bergdahl, who was 23 when he was captured, and will later determine the circumstances of his capture.

"Our first priority is assuring his well-being and his health and getting him reunited with his family," Defense Secretary Chuck Hagel said over the weekend. "Other circumstances that may develop and questions, those will be dealt with later."

Bergdahl is in Landstuhl, Germany, where he is being assessed by psychologists at a military hospital. His condition is described as stable, but doctors are paying attention to his diet and nutrition needs, the Pentagon said.

The military's focus now is on helping him reintegrate into society, said Col. Steve Warren, a Pentagon spokesman.

The Pentagon has described the prisoner swap as an expression of the bedrock principle that no soldier is left behind on the battlefield. They said that negotiators had to act quickly or risk losing him and characterized it as a prisoner of war swap in line with previous wars.

That has led to accusations that the Obama administration has reversed its policy on negotiating with terrorists. The administration has historically characterized Guantanamo detainees as enemy combatants who don't abide by international conventions.

"This fundamental shift in U.S. policy signals to terrorists around the world a greater incentive to take U.S. hostages," Rep. Mike Rogers, chairman of the House Intelligence Committee, said in a statement.

The administration has not released details about how the detainees would be monitored but suggested the arrangement was similar to hundreds of detainees who have been released from the facility and transferred to other countries.

The five Taliban detainees were transferred to the custody of Qatar, a Persian Gulf state which served as a conduit for the negotiations that led to the prisoner swap.

The Taliban militants will be banned from travel for a year, but U.S. officials have not said what limitations, if any, they will be under after the travel ban ends.

"The assurances were sufficient enough that the secretary of Defense signed off on the transfer," said Jen Psaki, a spokeswoman for the State Department.

Of the more than 600 detainees that have been released from Guantanamo Bay, Cuba, more than 16% returned to terrorist activity, according to a report last year from the Director of National Intelligence. Another 12% are suspected of having returned to terrorism.

Qatar's Embassy in the United States did not respond to questions about the agreement.

Contributing: Oren Dorell

Bergdahl Team Leader To CNN: He's A 'Deserter' Who Sought Out The Taliban

[Mediaite](#), June 4, 2014

In an appearance on CNN with Jake Tapper on Tuesday, former Army Sgt. Evan Buetow, U.S. Army Sgt. Bowe Bergdahl's team leader on the night he disappeared from his base in Afghanistan, asserted that he had access to radio intercepts which indicated that Bergdahl actively sought out the Taliban. Following Bergdahl's capture, Buetow alleged, the Taliban's attacks on Americans became "far more directed."

Buetow told CNN that, within days of Bergdahl's disappearance, military teams monitoring radio communications intercepted radio chatter and telephonic communication which indicated that an American was searching for Taliban members who spoke English.

"When we heard that, it told us, okay, he's actively seeking out the Taliban," Buetow said. "And, yes, over the next couple of months, all the attacks were far more directed."

"I heard it straight from the interpreter's lips as he heard it over the radio," Buetow told Tapper. "There's a lot more to this story than a soldier walking away."

"I don't really want to get into the political side of anything," Buetow continued. "My goal is to show that Bergdahl is a deserter. He's not a hero, and that he needs to answer for what he did."

"We gave up a lot for what we got back," Buetow said of America's "very small victory" in recovering Bergdahl from Taliban captivity.

Army Chief: No Rush To Judgment On Bergdahl

By James Rosen

[McClatchy](#), June 3, 2014

Army Secretary John McHugh said Tuesday that the controversial case of Sgt. Bowe Bergdahl will be reviewed only after he recovers from his five years in Taliban captivity.

In an effort to respond to growing clamor over whether Bergdahl went AWOL in Afghanistan five years ago before his capture by Taliban insurgents, McHugh said Army commanders want to talk with the Idahoan about his mysterious disappearance, but only after his health is restored.

"Our first priority is ensuring Sgt. Bergdahl's health and beginning his reintegration process," McHugh said in a statement. "There is no time-line for this, and we will take as long as medically necessary to aid his recovery."

President Barack Obama defended his decision to release five former senior Taliban officials from the Guantanamo Bay detention facility Saturday in exchange for Bergdahl's release.

"The United States has always had a pretty sacred rule, and that is we don't leave our men and women behind," Obama told reporters in Poland, where he was traveling on

the first leg of a Europe trip. "And that dates back to the earliest days of our revolution."

Obama rebutted Republican lawmakers' claims that he violated the law by failing to give Congress at least 30 days' notice before releasing the five Taliban detainees.

"We have consulted with Congress for quite some time about the possibility that we might need to execute a prisoner exchange in order to recover Sergeant Bergdahl," Obama said.

The president said he wasn't able to provide more precise notice because of the need to move quickly to secure Bergdahl's release amid concerns over his health.

"We saw an opportunity," Obama said. "We were concerned about Sergeant Bergdahl's health. We had the cooperation of the Qataris to execute and exchange, and we seized that opportunity. And the process was truncated because we wanted to make sure that we did not miss that window."

That explanation didn't satisfy Sen. John McCain, a senior member of the Senate Armed Services Committee who himself was a POW in Vietnam.

McCain said the five freed Taliban were "wanted war criminals" who will be free to return to Afghanistan after a year in Qatar under the terms of the prisoner exchange.

While the Arizonian said he was happy that Bergdahl had returned, he said protecting the lives of Americans in combat is a higher priority.

"I think the deal should not have been made," McCain said.

McHugh said a key part of any subsequent inquiry would be allowing Bergdahl to give his side of a story in which some soldiers have already branded him a deserter.

"As (Joint Chiefs of Staff) Chairman Dempsey indicated, the Army will then review this in a comprehensive, coordinated effort that will include speaking with Sgt. Bergdahl to better learn from him the circumstances of his disappearance and captivity," McHugh said in a statement.

"All other decisions will be made thereafter, and in accordance with appropriate regulations, policies and practices," he said.

The Army's normal process for probing potential misconduct, called a 15-6 inquiry, covers a broad range of behavior from misuse of equipment to desertion or other gross violations.

Such an inquiry was started after Bergdahl went missing from his base in a remote part of eastern Afghanistan near the Pakistan border, according to senior military officials speaking on background because they were not authorized to discuss his situation.

That inquiry was effectively put on hold over time, the officials said, and it was not clear whether it would be resumed or a new probe would be started after Bergdahl's health is restored.

Dempsey said in a post on his Facebook page that "the questions about this particular soldier's conduct are separate from our effort to recover any U.S. service member in enemy captivity."

McHugh echoed earlier statements by Dempsey, Defense Secretary Chuck Hagel and other military leaders in expressing thanks for Bergdahl's return.

"As an Army, we are grateful that an American soldier is back in American hands," McHugh said. "The Warrior Ethos is more than words, and we should never leave a comrade behind."

Sen. Carl Levin, a Michigan Democrat who chairs the Armed Services Committee, said that "members of Congress should not be surprised that (Obama) acted as he did in the circumstances that existed."

— Renee Schoof of the McClatchy Washington Bureau contributed

For Fallen Soldiers' Families, Bergdahl Release Stirs Resentment

By Andy Sullivan And Matt Spetalnick

[Reuters](#), June 4, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Gen. Dempsey: Army May Still Pursue Desertion Charge For Bowe Bergdahl

By David Zucchino

[Los Angeles Times](#), June 4, 2014

The Army may consider pursuing an investigation of possible charges of desertion or other violations by Sgt. Bowe Bergdahl, who was freed Saturday after nearly five years in Taliban custody, the chairman of the Joint Chiefs of Staff said Tuesday.

Army Gen. Martin Dempsey noted that U.S. military leaders "have been accused of looking away from misconduct." Dempsey said that was "premature" in the case of Bergdahl, who has been accused of desertion by former members of his unit in Afghanistan for abandoning his post during a combat deployment.

The remarks, in a telephone interview with the Associated Press, were Dempsey's first public comment on Bergdahl since he was freed Saturday in exchange for the transfer to Qatar of five Taliban commanders held at the U.S. prison at Guantanamo Bay, Cuba.

In a separate posting on Facebook, Dempsey said of Bergdahl:

"Like any American, he is innocent until proven guilty. Our Army's leaders will not look away from misconduct if it occurred."

Any decision on disciplinary measures will be up to the Army, Dempsey said in the interview. He said he does not want to pre-judge Bergdahl or say anything that might influence Army commanders.

In the Facebook post, Dempsey said in response to “those of you interested in my personal judgments about the recovery of SGT. Bowe Bergdahl, the questions about this particular soldier’s conduct are separate from our effort to recover ANY U.S. service member in enemy captivity.”

He added: “This was likely the last, best opportunity to free him.”

Several members of Congress have criticized the prisoner swap, described as a “transfer” by the Obama administration. Critics said the administration caved in to Taliban demands and raised the ransom price for any future U.S. service member captured by insurgents, and also failed to properly notify Congress of prisoner releases.

Dempsey said he had not spoken to Bergdahl or his parents since the soldier’s release. The military is expected to learn more about the circumstances of Bergdahl’s disappearance and captivity by questioning him.

He is undergoing evaluation at a U.S. military hospital in Landstuhl, Germany, and has not had direct contact with his parents in Idaho.

Bergdahl, 28, left a small observation post in eastern Afghanistan in the early morning hours of June 30, 2009, without informing anyone, three former members of his 30-man platoon said in interviews Monday. In his one-man tent, they said, they found Bergdahl’s rifle, helmet, body armor, night-vision goggles and other gear neatly stacked.

The former soldiers said Bergdahl had expressed disillusionment with the way the Army was conducting the U.S. combat mission in Afghanistan and had made off-hand comments about walking into the mountains or walking to India.

Calling Bergdahl a deserter, the soldiers said he should be held accountable for possible violations of the Uniform Code of Military Justice. They contended that several U.S. service members died in direct or indirect connection with the massive 90-day search for the missing sergeant.

The Pentagon has not confirmed that any deaths were related to the search for Bergdahl.

In the Facebook post, Dempsey said: “I want to thank those who for almost five years worked to find him, prepared to rescue him, and ultimately put themselves at risk to recover him.”

Dempsey said in the interview that Bergdahl, a private, who was promoted to sergeant during his captivity, will no longer be automatically promoted to staff sergeant because he is now free.

Soldiers missing in action are normally promoted on the same schedule as their peers. But for Bergdahl, “his status has now changed, and therefore the requirements for

promotion are more consistent with normal duty status,” Dempsey said.

Bergdahl could face court-martial if the Army uncovers sufficient evidence of desertion, said Eugene Fidell, who teaches military law at Yale Law School. The Army might also decide to separate Bergdahl from the service through administrative procedures.

Any physical or psychological trauma could make Bergdahl unfit for continued service, Fidell said. If so, the Army would likely begin the process of arranging for retirement, medical care and other benefits.

Because the U.S. is not formally at war with the Taliban — Congress authorized military force against terrorists — a soldier serving in Afghanistan would not face the death penalty if convicted of desertion, Fidell said. The maximum penalty under these circumstances is five years in prison and a dishonorable discharge for “intent to avoid hazardous duty or shirk important service,” Fidell said.

The maximum penalty for a soldier absent without leave for less than 30 days is six months in prison. The penalty is one year in jail (or 18 months if the soldier has to be apprehended) and a dishonorable discharge for AWOL more than 30 days Fidell said.

Fidell said the military may decide that, regardless of any offenses Bergdahl may have committed, he suffered nearly five years in enemy custody and should not be punished further.

Obama Fires Back In Defending Bergdahl Trade — ‘We Seized That Opportunity’

By Ben Wolfgang

[Washington Times](#), June 4, 2014

President Obama said Tuesday he had an obligation to secure the release of Army Sgt. Bowe Bergdahl, regardless of the circumstances surrounding Sgt. Bergdahl’s capture by the Taliban five years ago and despite claims he’s a “deserter” who walked away from his unit.

Speaking at a news conference in Warsaw alongside Polish President Bronislaw Komorowski, Mr. Obama said he, like George Washington, Abraham Lincoln and FDR before him, must take every possible step to bring home American fighting men and women held in captivity at the end of a war.

U.S. combat operations in Afghanistan will cease at the end of the year, though 9,800 troops will remain there through 2015.

As the end of combat operations drew closer, the president said the White House consulted with Congress “for quite some time” about a possible prisoner exchange to retrieve Sgt. Bergdahl.

“The U.S. has always had a pretty sacred rule, and that is we don’t leave our men or women in uniform behind. And that dates back to the earlier days of our Revolution,” Mr.

Obama said. "We saw an opportunity. We were concerned about Sgt. Bergdahl's health ... We seized that opportunity."

The Washington Times reported Monday that the Pentagon on multiple occasions knew where Sgt. Bergdahl was being held but commanders scrapped rescue missions because they were unwilling to risk casualties for a man they believed to be a "deserter," according to sources familiar with the plan.

The Obama administration over the weekend secured Sgt. Bergdahl's release in exchange for five former Taliban fighters held at Guantanamo Bay, Cuba.

At Tuesday's press conference, Mr. Obama was asked directly about accusations Sgt. Bergdahl was a deserter and said any member of the U.S. military held in captivity, no matter how they ended up there, should be brought home.

"Regardless of the circumstances, whatever those circumstances may turn out to be, we still get an American soldier back if he's held in captivity, period. Full stop. We don't condition that," the president said. "That's what every mom and dad who sees a son or daughter sent over to the war theater should expect, not just from their commander in chief but from the United States of America."

There is a possibility, Mr. Obama said, the five Taliban prisoners swapped for Mr. Bergdahl could return to the battlefield and target Americans. But, he said, the deal won't affect American national security.

"I wouldn't be doing it if I thought it would be contrary to American national security," Mr. Obama said. "This is what happens at the end of wars. That was true for George Washington. That was true for Abraham Lincoln. That was true for FDR. That's been true in every combat situation — at some point you try to get your folks back."

American Paranoia And Bowe Bergdahl

The Taliban prisoner swap for Bowe Bergdahl might do some good, but fear and anger are getting in the way of a realistic appraisal.

By Dan Murphy

[Christian Science Monitor](#), June 4, 2014

Richard Hofstadter opened his 1968 essay, "The Paranoid Style in American Politics," with this line: "American politics has often been an arena for angry minds."

He continues, "Behind this I believe there is a style of mind that is far from new and that is not necessarily right-wing. I call it the paranoid style simply because no other word adequately evokes the sense of heated exaggeration, suspiciousness, and conspiratorial fantasy that I have in mind."

One wonders what Mr. Hofstadter would have to say about the great gnashing of teeth and anger today over President Barack Obama's prisoner swap for US soldier Bowe Bergdahl. Lurking behind this is not just disagreement with the decision — to release five men, four of them very

senior Taliban leaders at the time of their detention in 2001, in exchange for the army sergeant — but a seemingly deep-seated belief that Obama is unpatriotic, more interested in helping American enemies than helping America.

Lending to the outrage is credible evidence that Bergdahl, an odd duck who had grown to hate the war according to people who served with him, deliberately walked off post before his capture. Nathan Bradley Bethea, who was serving in Afghanistan at time with Bergdahl's unit (the 1st Battalion, 501st Parachute Infantry Regiment) makes it clear that Bergdahl went AWOL from his platoon's small outpost in Paktika Province in an in-depth piece on the events before his capture and how members of his unit, which lost soldiers trying to track him down, feel about the event. Many are understandably angry and consider the man a deserter.

Bethea writes that Bergdahl left most of his gear — his flak, his rifle — behind, taking only his compass. "His fellow soldiers later mentioned his stated desire to walk from Afghanistan to India," he writes.

Was this "Going After Cacciato" moment in fact a desertion, a desire to join up with the Taliban? Or was it simply an absence without leave, a lesser crime? That's for the military justice system to work out.

But wanting to bring this man home doesn't depend on whether he was a model soldier or a terrible one. So the question becomes: Was the release of the five Taliban members too high a price to pay?

To some members of Congress, it was reckless and dangerous. House Intelligence Committee head Mike Rodgers said the swap sent "a message to every Al Qaeda group in the world that there is some value in a hostage that it didn't have before." In fact, Al Qaeda and the Taliban (which are distinct groups, though this is often ignored in US discourse) have always been highly motivated to catch US soldiers and would have remained so whatever happened this weekend.

Or take former Alaska Governor Sarah Palin, who wrote on her Facebook page: "You blew it again, Barack Obama, by negotiating away any leverage against the bad guys as these bad guys — Osama Bin Laden's partners in evil crime — joyfully celebrate their 'win' in the deal you sealed."

That is not remotely what Obama has just done. And amid all the fear and anger and, yes, paranoia, is the chance that the release of the Taliban five maybe — just maybe — will do some good. None of the men were ever charged with any crime against US citizens or soldiers, and the Afghan government has been eager to pen a reconciliation deal with the Taliban. US-installed President Hamid Karzai has repeatedly sought talks with the group, downplayed their threat, and criticized the money spent and blood spilled on his government's behalf in America's longest war.

Ending wars almost requires hard choices, and that moment has arrived for the US. A hard choice may prove to

be a wrong choice, but it isn't betrayal, and people that seek black and white clarity over Afghanistan need to look elsewhere.

Make no mistake, the US military leverage in Afghanistan, which has failed to end the insurgency there over 13 years, is on the wane. The current plan is to leave just 10,000 troops in the country beyond the end of this year and to fully withdraw by the end of 2016. But that's one reason for the Afghan government to seek to cut a deal with a group that it hasn't been able to defeat, despite massive NATO support.

Sen John McCain (R) of Arizona, who said he approved of a prisoner swap four months ago, was also furious.

"These are the hardest of the hard core. These are the highest high-risk people, and others that we have released have gone back into the fight," he told Face the Nation. "If they are able to (after) a year in Qatar to do whatever they want to do there's no doubt they will reenter the fight."

Perhaps. But it's also possibly that these men, older and wiser heads than many of the commanders in the field who have little political experience, will be interested in cutting deals with the Afghan government after so much bloodshed. With the group in Qatar for the next year, government representatives will have a chance to find out.

Journalist Anand Gopal, writing in 2010, told the tale of senior lieutenants of Taliban leader Mullah Omar getting together and planning to surrender to Karzai's government just as Kandahar was about to fall in 2001. The group sent a letter to Karzai, acknowledging him as the leader of Afghanistan, and promised no resistance when NATO sought to take Kandahar. The men sought immunity from prosecution in exchange for all this.

Karzai, aware that many of the warlords who had fought the Taliban were eager for revenge and that the US was not interested in dealing with the group, ignored the overture.

"Widespread intimidation and harassment of these former Taliban ensued," Gopal writes. "Sympathetic figures in the government told (Muhammad) Haqqani and others in the group that they should flee the country, for they would not be safe in Afghanistan. So the men eventually vanished across the border into Pakistan's Baluchistan Province. Many of the signatories of the letter were to become leading figures in the insurgency."

The Haqqani mentioned above was part of the Haqqani network, a powerful Taliban offshoot that is believed to have held Bergdahl in Pakistan and Afghanistan. The point of this history lesson is that refusing to negotiate or brook compromise can often be more dangerous than the alternative.

What of the future?

Abdullah Abdullah, who appears to be the presidential frontrunner after securing the endorsement of powerful

warlord Abdul Rasul Sayyaf ahead of the vote tomorrow, is also eager for peace talks.

"Talking to the Taliban should continue, the door to talks and negotiations should be open," he told France 24 last month. "At the same time, we have to assure our people that we are going to defend our people against violence. So we'll take the issue of talks and negotiations very seriously. At the same time, the country should be prepared. If the negotiations do not work, of course, we will have to defend our people, their lives, their rights."

Can G.I. Be Tied To 6 Lost Lives? Facts Are Murky

By Charlie Savage And Andrew W. Lehren

[New York Times](#), June 4, 2014

WASHINGTON — Did the search for Sgt. Bowe Bergdahl cost the lives of American soldiers?

Since last weekend's prisoner exchange in which Afghan insurgents turned over Sergeant Bergdahl after five years of captivity, a number of the men who served with him have called him a deserter. Some have gone further, blaming him for the deaths of six to eight soldiers.

That second claim is hardening into a news media narrative. CNN has reported as fact that "at least six soldiers died" looking for Sergeant Bergdahl after senior American military officials say he wandered off his base. The Daily Beast published an essay by a former member of Sergeant Bergdahl's battalion, Nathan Bradley Bethea, who linked the search to the deaths of eight soldiers whom he named. "He has finally returned," Mr. Bethea wrote. "Those men will never have the opportunity."

But a review of casualty reports and contemporaneous military logs from the Afghanistan war shows that the facts surrounding the eight deaths are far murkier than definitive — even as critics of Sergeant Bergdahl contend that every American combat death in Paktika Province in the months after he disappeared, from July to September 2009, was his fault.

All across Afghanistan, that period was a time of ferocious fighting. President Obama had decided to send a surge of additional troops to improve security, but they had not yet arrived. In Paktika, the eight deaths during that period were up from five in the same three months the previous year. Across Afghanistan, 122 Americans died in that period, up from 58 in 2008.

In addition, a senior insurgent commander known as Mullah Sangeen, who was part of the Taliban-linked Haqqani network, had been carrying out attacks in the area for several years. A joint military statement by American and Afghan security forces released a month before Sergeant Bergdahl vanished warned that the mullah had brought in "hundreds of foreign fighters."

Two soldiers died during the most intense period of the search after Sergeant Bergdahl's June 30 disappearance. Both were inside an outpost that came under attack, not out patrolling and running checkpoints looking for him. The other six soldiers died in late August and early September.

Facts are often obscured in the fog of the battlefield, witnesses have incomplete vantage points and the events are five years in the past now. But an archive of military reports logging significant activities in America's war in Afghanistan offers a contemporaneous written record of events in Paktika that summer. The archive was made public by Chelsea Manning, formerly known as Pvt. Bradley Manning, who is serving a 35-year prison sentence for the leak.

The first two deaths the critics link to Sergeant Bergdahl involved a major assault by insurgents on a combat outpost called Zerok on July 4, 2009. Their view is that the Taliban knew the Americans were stretched thin by the search mission and took advantage of that opportunity to try to overrun it.

Mr. Bethea, the soldier who wrote the essay in *The Daily Beast*, said the company executive officer for the unit at Zerok believed that "the attack would not have happened had his company received its normal complement of intelligence aircraft: drones, planes, and the like. Instead, every intelligence aircraft available in theater had received new instructions: find Bergdahl. My friend blames Bergdahl for his soldiers' deaths."

Military officials, speaking in recent days, have countered that additional surveillance aircraft had been brought in from other areas to help in the search, so air traffic in the region was intensified, not diminished, by the search.

Separately, context supplied by the leaked logs complicates claims that insurgents attacked the outpost because of the hunt.

Insurgents had been shooting at the outpost with escalating intensity in the preceding months. A June 24 log described a mortar attack inside its perimeter and cited intelligence that insurgents were planning a "complex ambush" of the outpost.

And a log recounting the July 4 attack said it confirmed "recent reporting regarding Mullah Sangeen's desire to conduct a spectacular attack" against the outpost. The log did not mention the hunt for Sergeant Bergdahl. Still, one soldier from Sergeant Bergdahl's battalion said that response time after the attack had been slow, and argued the issue was not if the outpost was going to be attacked, but rather when insurgents chose to attack it.

The first and most intense phase of the search operation wound down after July 8. But former soldiers say and the logs show that the hunt continued sporadically as patrols were sent out to chase rumors that Sergeant Bergdahl had been spotted.

The other six American deaths in Paktika that summer occurred from Aug. 18 to Sept. 5, which Sergeant Bergdahl's critics link to him as well.

"You see a lot of anger because we lost guys not only at Zerok, but a decent amount of good guys looking" for him, said a soldier from his unit who spoke on condition of anonymity.

Where those events are identifiable in the logs, they do not mention any link to Bergdahl search operations, although the logs are terse and contain few contextual details.

Mr. Bethea wrote that of the six men killed in August and September, two died in a roadside bombing while on a reconnaissance mission, a third was shot during a search for a Taliban political leader and three others were killed while conducting patrols — two in an ambush and one who stepped on a mine.

He suggested some connection to Sergeant Bergdahl for several of the deaths, saying the Taliban leader and a village that was in the area of one of the patrols were "thought affiliated with Bergdahl's captors." He also said a village in the areas of the other patrol was "near the area where Bergdahl vanished."

Still, those villages and insurgents were in the overall area of responsibility for the soldiers, and the logs make clear that the region was an insurgent hotbed. A log on May 21, 2009, for example, said it had historically been a "safe haven" for the Taliban.

A retired senior American military officer, who was briefed at the time on the search for Sergeant Bergdahl, said that even though soldiers were instructed to watch for signs of the missing American, they would have been conducting patrols and performing risky operations anyway.

"Look, it's not like these soldiers would have been sitting around their base," he said.

The soldier who spoke on condition of anonymity agreed that it was "ludicrous" to lay 100 percent of the blame for the deaths at Sergeant Bergdahl's feet, and he acknowledged that patrols were going to get hit in Paktika during fighting season anyway.

But, he said, the reason he and his colleagues are angry is that too often that summer, the purpose of their patrols into dangerous areas was not ordinary wartime work like reconnaissance, maintaining a security presence, or humanitarian projects, but rather "to go look for this guy."

Charlie Savage reported from Washington, and Andrew W. Lehren from New York. Eric Schmitt contributed reporting from Washington.

Critics Questioning American Military Credo Of Leaving No One Behind

By Eric Schmitt, Mark Mazzetti And Peter Baker

[New York Times](#), June 4, 2014

WASHINGTON — The deadly rescue mission in Afghanistan in 2002 began when Petty Officer First Class Neil C. Roberts, a member of the Navy's classified SEAL Team Six, fell out of a helicopter that came under enemy fire as it tried to land on the snowy ridge line of an 11,000-foot mountain.

Petty Officer Roberts was swarmed by Qaeda fighters almost immediately, and was nearly certain to die, but teams of Special Operations troops and Army Rangers were sent to the mountain in an attempt to rescue him. By nightfall, seven American troops had died on the jagged rocks that came to be known as "Roberts Ridge." Petty Officer Roberts's body was eventually found and taken off the mountain.

That costly attempted rescue remains one of the most vivid examples of the military's time-honored ethos to leave behind none of its own on the battlefield. It is a tradition that has underpinned American efforts to rescue service members captured or stranded behind enemy lines from World War II to Vietnam to the "Black Hawk Down" raid in Somalia and the war in Afghanistan.

But now this credo is being questioned by critics who say it is one thing to risk lives to rescue a comrade captured in battle, and another to take the same risks for someone they accuse of being a deserter.

In the days since President Obama announced the release of Sgt. Bowe Bergdahl, who military officials say voluntarily walked off his post in Afghanistan in 2009 and was seized by the Taliban, the initial euphoria over his return has given way to accusations that the military took unwarranted risks to try to get him back. The attacks have put the White House on the defensive and forced the Pentagon to say it might take punitive action against Sergeant Bergdahl, 28.

Mr. Obama on Tuesday dismissed questions about whether Sergeant Bergdahl deserved special efforts. "The United States has always had a pretty sacred rule, and that is: We don't leave our men or women in uniform behind," Mr. Obama told reporters in Warsaw during the first stop on his four-day European trip.

Asked about the circumstances of the capture of Sergeant Bergdahl by the Taliban, Mr. Obama said that no one had yet debriefed him — but he said that nothing changes the responsibility to try to recover him.

"Regardless of circumstances, whatever those circumstances may turn out to be, we still get an American prisoner back," he said. "Period. Full stop. We don't condition that."

How important is this ethos?

"It's more important than a paycheck or a medal," said Gen. James N. Mattis, who from 2010 to 2013 led the military's Central Command, which oversees operations in Afghanistan. General Mattis said a horseshoe from the Bergdahl family home in Idaho hung outside his command's operations center.

The military's Joint P.O.W./M.I.A. Accounting Command employs 500 people to conduct global operations to try to account for the more than 83,000 Americans still unaccounted for from past conflicts.

The "Ranger Creed," an oath that every member of the Army's 75th Ranger Regiment must memorize upon joining the unit, declares, "I will never leave a fallen comrade to fall into the hands of the enemy."

Pentagon officials initially dismissed the idea of court-martialing Sergeant Bergdahl, saying five years in captivity was punishment enough. But on Tuesday, Gen. Martin E. Dempsey, the chairman of the Joint Chiefs of Staff, and John M. McHugh, the secretary of the Army, said the military would determine whether he had violated rules by leaving his post nearly five years ago.

"The questions about this particular soldier's conduct are separate from our effort to recover ANY U.S. service member in enemy captivity," General Dempsey wrote on his Facebook page. "When he is able to provide them, we'll learn the facts," the general said of Sergeant Bergdahl. "Like any American, he is innocent until proven guilty."

"The Warrior Ethos is more than words, and we should never leave a comrade behind," Mr. McHugh said in a statement. "As Chairman Dempsey indicated, the Army will then review this in a comprehensive, coordinated effort that will include speaking with Sergeant Bergdahl to better learn from him the circumstances of his disappearance and captivity."

General Dempsey's Facebook posting and Mr. McHugh's statement — which the White House immediately sent around to reporters — are the strongest indications yet that the Defense Department may pursue some sort of punitive action.

One administration official said the decision by the White House to draw attention to statements was an indication of the heavy political pressure Mr. Obama had been under since his decision to swap five Taliban detainees from the prison in Guantánamo Bay, Cuba, for Sergeant Bergdahl.

In an interview with The Associated Press on Tuesday, General Dempsey also said that Sergeant Bergdahl's next promotion to staff sergeant, which was set to happen soon, was no longer automatic because the sergeant was not missing in action any longer. "Our Army's leaders will not look away from misconduct if it occurred," General Dempsey said. "In the meantime, we will continue to care for him and his family. All other decisions will be made thereafter, and in accordance with appropriate regulations, policies and practices."

White House officials said they recognized that the prisoner swap would invite political attacks but that there was no serious internal debate about whether to go forward with it. While aware of the questions about Sergeant Bergdahl's

capture, officials said they were deemed largely irrelevant to the decision.

Any American, regardless of how he came to be held, should be recovered if possible, they said, and it was implausible to think of ending the war without taking the opportunity to recover him. If Sergeant Bergdahl were killed by his captors, they knew, the White House would have been criticized for not working harder to secure his release.

But anticipating criticism over the swap with the Taliban, White House officials decided to invite Sergeant Bergdahl's parents to stand by Mr. Obama's side in the Rose Garden when he announced the deal. They hoped to emphasize the human story of parents desperate for the return of their son, something many Americans could identify with even if queasy about negotiating with the Taliban. As it happened, the parents were already in Washington for Memorial Day events.

John B. Bellinger III, who was the top lawyer at the State Department under President George W. Bush, said Sergeant Bergdahl "will have to face justice, military justice."

"We don't leave soldiers on the battlefield under any circumstance unless they have actually joined the enemy army," Mr. Bellinger told Fox News on Tuesday. "He was a young 20-year-old. Young 20-year-olds make stupid decisions. I don't think we'll say if you make a stupid decision we'll leave you in the hands of the Taliban."

Eric Schmitt and Mark Mazzetti reported from Washington, and Peter Baker from Warsaw.

5 Questions For The White House On Bowe Bergdahl

By Josh Gerstein And Carrie Budoff Brown

[Politico](#), June 3, 2014

President Barack Obama's decision to swap long-missing Sgt. Bowe Bergdahl for five Taliban prisoners held at Guantanamo Bay has unleashed a fusillade of criticism from lawmakers, who have blasted the president's move as both reckless and lawless.

For the White House, it means answering uncomfortable questions about why Congress wasn't told of the deal before it happened — as federal law demands — and what went into the administration's media strategy, including fresh scrutiny of comments National Security Adviser Susan Rice made on a Sunday morning talk show.

The president on Tuesday defended his administration's efforts to rescue Bergdahl from captivity.

"Regardless of the circumstances, whatever those circumstances may turn out to be, we still get an American soldier back if he's held in captivity. Period. Full stop. We don't condition that," he said in Warsaw, on the first leg of this week's European trip.

His arguments are unlikely to put the questions to rest. There are worries about the deal and the precedent it could

set for others in U.S. custody as well as other American service members who could be captured in the future. And the future of Sgt. Bergdahl is anything but certain.

Here's a look at some of the key questions about the Bergdahl-Taliban trade:

Bigger than Benghazi?

The prison swap is showing signs of becoming a major flashpoint with the staying power, at least within conservative circles, of Benghazi.

Republicans see the prisoner swap as representing all that is wrong with Obama, a go-it-alone president who negotiates with bad foreign actors and flouts the rule of law to achieve his own ends.

House and Senate Republicans accused Obama of acting illegally, citing laws requiring that the administration provide Congress notice at least 30 days ahead of releasing Guantanamo Bay detainees. House Armed Services Chairman Buck McKeon (R-Calif.) pledged Monday to hold hearings, as Sen. Kelly Ayotte (R-N.H.) and Sen. Lindsey Graham (R-S.C.) pressed for investigations in the Democratic-controlled Senate.

Conservatives are also combing through the statements of Bergdahl's father to cast him as unpatriotic — and his son has been tagged as a deserter by some of his fellow soldiers.

Sen. Saxby Chambliss (R-Ga.) raised doubts Monday that Bergdahl was even in grave health — the reason provided by administration officials as to why they couldn't abide by the 30-day notification requirement.

"There's no indication of that other than what the president says," Chambliss said, "and I don't believe a thing this president says now."

The president's move to defy Congress also fuels Republican assertions that Obama is guilty of hypocrisy for railing against a raft of signing statements President George W. Bush issued disclaiming his duty to enforce aspects of legislation he considered unconstitutional.

One former administration official said that when Obama issued signing statements in recent years saying he might "interpret" the law to make sure he had flexibility to transfer detainees "swiftly," he was intentionally preserving his right to act in circumstances like the Bergdahl swap.

"The signing statement was put in for this exact thing," said one former official, speaking on condition of anonymity. "It's the strongest conceivable example of a commander-in-chief exercising his authority."

White House press secretary Jay Carney said Monday that Obama had never foresworn signing statements entirely, but simply argued that Bush over-relied on them.

"It's often misreported that [Obama] somehow took a position against all signing statements, which was never the case," Carney said. "He made clear that there were times when it would be appropriate, but that the authority to issue signing statements should not be overused or abused, and

that a president should exercise restraint. And I think if you look at his record in office — now five and a half years in office you'll see that restraint demonstrated."

What did Congress know and when did it know it?

Over the weekend the administration seemed to flaunt the fact that they had not complied with legislation requiring the president to give Congress 30-days notice before transferring prisoners out of Guantanamo. In a statement issued Saturday night, Defense Secretary Chuck Hagel said he had just notified Congress of the transfer. In fact, the formal notification did not take place until Monday, congressional officials said.

White House aides are now stressing that they had earlier briefed Congress on the outlines of a possible swap.

"We have been consulting with members of Congress about this effort, including the potential transfer of five Gitmo detainees, for years. I know this because I participated in many of those consultations myself when I served on the staff of the National Security Council. So, this should not have been a surprise to any of the members of Congress who have been...commenting about it," White House chief of staff Denis McDonough said Monday at a Center for Strategic and International Studies symposium.

On Tuesday, Obama again asserted that his administration had been consulting with lawmakers "for some time" and had made clear that it might have to take quick action.

House Intelligence Committee Chairman Mike Rogers (R-Mich.) pushed back, saying that Congress hadn't heard from the Obama administration since 2011 on the possibility of a prisoner swap with the Taliban.

"I don't know what he means by 'consulted Congress for some time,'" Rogers said on MSNBC's "Morning Joe." "In 2011, they did come up and present a plan that included a prisoner transfer that was, in a bipartisan way, pushed back. We hadn't heard anything since on any details of any prisoner exchange."

The initial messaging appears to have been aimed at Guantanamo closure hawks looking for signs that Obama is now willing to get tough with Congress in order to fulfill his promise to get the island prison closed. The latest talking points are aimed at preventing the prisoner swap from feeding into longstanding GOP arguments that Obama just ignores the law when he doesn't like it — contentions that have arisen repeatedly over immigration and the implementation of Obamacare.

One flaw in the White House's argument: even if 30 days notice wasn't possible, it's far from clear why Congress couldn't have received some heads up — even in classified form. Rogers said Monday that the current round of talks began in December, allowing ample time to read Congress in.

"They didn't wake up three or four or five days ago and say, 'Hey, we're going to have this prisoner transfer. Isn't that a great idea? We better do it. It's an emergency.' That's not what happened," Rogers said on CNN.

Republicans got some backup from a powerful Democrat, Senate Intelligence Committee Chairwoman Dianne Feinstein of California, who criticized Obama for not looping in Congress earlier.

"Should we have gotten advance warning? I actually think so," she said Monday. "We had participated in a number of briefings some time ago, and there was considerable concern."

Most Democrats are likely to rally behind the White House, as Sen. Jack Reed (D-R.I.) did Monday, saying the release of an American soldier was "the most overriding issue in my mind." A senior administration official said the president knew there would be "complaints and criticism for both the decision to do this and the 30-day notification issues."

"But at the end of the day that can't and didn't drive our decision making on something as important and sacred as keeping our obligation to bringing service members home," the official said.

One possibility for the secrecy was history: The deal went off the rails several times in the past couple of years, because of leaks and erratic behavior by Afghan President Hamid Karzai, a former administration official said.

"At certain points, they were cutting people out of meetings because everything was being leaked [and] people were very skittish about being criticized," the ex-official said. Former White House Counsel Kathy Ruemmler — who stepped down last month — was among those reluctant to buck the restrictions Congress imposed and Obama signed with reservations, the source said.

Will Bergdahl be prosecuted for desertion?

The prisoner swap has generated a mixed reaction from those who served with Bergdahl, with some saying he's guilty of desertion because he apparently walked off his base in Afghanistan unarmed in 2009 after expressing doubts about the U.S. mission. While the White House is trying to cultivate a celebratory atmosphere around the soldier's release, it's less clear whether he could eventually be prosecuted for abandoning his guard post prior to his capture.

"If the question is: for the benefit of other GIs, have we got to stigmatize this conduct, he might wind up in a court martial," said military law expert Eugene Fidell of Yale Law School. "There's no such thing as mandatory prosecution. Whether they prosecute him will depend on whether they feel they need to make a point."

Fidell said one possibility is that Bergdahl might end up leaving the Army without an honorable discharge — and without the spectacle of a court martial or formal criminal charges.

Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey, writing on Facebook early Tuesday, said that any concerns about Bergdahl's conduct "are separate from our effort to recover ANY U.S. service member in enemy captivity. This was likely the last, best opportunity to free him."

Dempsey added that "like any American, [Bergdahl] is innocent until proven guilty. Our Army's leaders will not look away from misconduct if it occurred. In the meantime, we will continue to care for him and his family. Finally, I want to thank those who for almost five years worked to find him, prepared to rescue him, and ultimately put themselves at risk to recover him."

Pressed Tuesday on whether Bergdahl could face a court martial for desertion, Obama said that discussion was still premature.

"That's not something that we're discussing at this point because our main priority is making sure that the transition that he is undergoing after five years of captivity is successful," he said.

Defense Department spokesman Col. Steve Warren said Monday that questions about investigating or even prosecuting Bergdahl are premature.

"Our focus right now is to get Sgt. Bergdahl stabilized," Warren told reporters. "There's plenty of time in the future to look into the circumstance surrounding his disappearance and to make decisions on the way forward."

As he fended off questions about any possible action against the Army sergeant, Pentagon Press Secretary Rear Adm. John Kirby said Bergdahl had already suffered mightily for whatever he may have done in 2009. However, the spokesman also reinforced the idea that the newly-freed soldier left his post before his capture.

"Let's not forget, he was held captive as a prisoner for five years — five years by himself," Kirby said on CNN. "That's a pretty high price to pay for whatever impelled him to walk off that base."

Fidell said the military should give Bergdahl Miranda warnings before questioning him about why he apparently left the base. "I think they have to give him warnings. This is not an emergency situation with a ticking time bomb," Fidell said.

Asked by reporters about whether Bergdahl needed a lawyer to advise him on debriefings, Warren said: "You guys are way out front of where we are right now.... I'm not going to speculate on whether or not he needs a lawyer. Let's just get him back."

What of other U.S.-held prisoners?

The Bergdahl deal has grabbed headlines because of the involvement of the long-held American POW, but the war of words between Obama and Congress could just be a preview of fights to come over even bigger batches of prisoners at Guantanamo and at a U.S. run detention facility in Afghanistan.

Obama's decision to phase out U.S. combat operations in Afghanistan by the end of this year has raised legal questions about the basis for keeping prisoners from that conflict locked up after the U.S. declares itself done with the war.

"There are a minefield of questions with regard to what happens to Al Qaeda detainees after combat in Afghanistan ends, but I can't imagine anyone taking the position that we can continue to hold Taliban detainees in perpetuity after we pull out of Afghanistan," said Stephen Vladeck, a law professor at American University.

International law dictates that the men should be released within a reasonable wind-down period after the conflict, meaning the value of the Taliban prisoners may have been dropping as the milestone of the end of U.S. combat operations nears. "If we're talking about men who probably had to be repatriated by the end of next year, if not sooner, their value in exchanges like this is only going to decrease over time," Vladeck said.

Obama has hinted repeatedly that those prisoners related to the Afghanistan conflict will have to be let go soon. The transfer of the five Taliban could be a harbinger of future releases.

While Sen. James Inhofe (R-Okla.) charged Monday that "arguably these five could be perhaps the most dangerous terrorists" at Guantanamo, one former official involved in discussions about the swap said the dangers posed by the men are being exaggerated.

"There's too much emphasis on the extent to which they could rejoin the fight," said the ex-official, who asked not to be named. "These guys could join the Taliban negotiating team," the former official added, noting that Afghan President Hamid Karzai once wanted one of the men to be part of a group engaged in peace talks.

While Obama seems intent on freeing Taliban fighters in the coming months, he has sent mixed messages about dozens of Al Qaeda detainees, some of whom are held at Guantanamo and some at a U.S. base near Kabul. He sometimes speaks about open-ended detention as an affront to human rights, but at other times alludes to a plan to bring to the U.S. some prisoners deemed too difficult to put on trial but too dangerous to release.

If it's Sunday, is it a problem for Susan Rice?

The White House national security adviser once again finds herself in the middle of a controversy over comments on a Sunday talk show about what the administration did or didn't do — and how it's selling the story.

Speaking on ABC's "This Week with George Stephanopoulos," Rice said Bergdahl, "served with the United States with honor and distinction," a statement that soldiers who served alongside him quickly challenged. That reignited the conservative criticism of Rice, who had to step out of the running for Secretary of State after delivering faulty talking

points on the deadly Benghazi attack in September 2012 as the U.N. ambassador.

In a bit of déjà vu, reporters pressed Carney at the briefing Monday to say whether the president stands by Rice's comment. Carney referred the questions to the Defense Department, even though Rice is on the White House staff.

"The president stands by actions that he took as Commander-in-Chief to secure the release of the only member of the U.S. military held as a POW from either the Iraq or Afghanistan wars," Carney said. "It was absolutely the right thing to do."

Burgess Everett, Phil Ewing and Jeremy Herb contributed to this report.

CORRECTION: An earlier version of this story misattributed Warren's comments.

Bergdahl Release Renews Mystery Over Afghanistan Capture

By David Lerman

[Bloomberg News](#), June 4, 2014

The release of the last American prisoner of war in Afghanistan has reopened the mystery of how he was captured – and whether he's a patriot or a deserter.

Even before Army Sergeant Bowe Bergdahl arrives home in the U.S. after almost five years in captivity, scores of soldiers, veterans and others have lit up social media with postings denouncing the former prisoner for allegedly abandoning his unit.

The U.S. Army has never described the circumstances of Bergdahl's disappearance from a remote outpost in eastern Afghanistan or his capture by terrorists. An online petition drive that has more than 5,600 digital signatures calls on the Obama administration to punish Bergdahl for going AWOL, or absent without leave.

"He's at best a deserter and at worst a traitor," Josh Korder, who said he served with Bergdahl in Afghanistan, said on CNN yesterday. "Any of us would have died for him. For him to just leave us like that, it was a very big betrayal."

A Pentagon spokesman said yesterday that the military has "never to my knowledge" confirmed reports that Bergdahl deserted his unit.

"There have been several looks into the circumstances surrounding his disappearance, but we have never publicly said anything, primarily because we haven't had a chance to speak to Sergeant Bergdahl himself," the spokesman, Colonel Steve Warren, told reporters. "It was a preliminary investigation, and it isn't possible to have final results until we've had an opportunity to fully debrief Sergeant Bergdahl himself."

Regardless of how Bergdahl ended up in enemy hands, he has paid a high price, said a U.S. defense official, who asked not to be identified discussing the case.

Bergdahl, 28, an Idaho man who was captured in 2009 and released on May 31, is in stable condition at the Army medical center in Landstuhl, Germany, Warren said.

"He has nutrition issues," Warren said, without elaborating. Defense Secretary Chuck Hagel has said Bergdahl's health was deteriorating in captivity, adding urgency to efforts to reach a deal for his freedom.

Questions about Bergdahl's loyalty were raised two years ago, when Rolling Stone magazine obtained e-mail messages it said were sent by the soldier to his parents describing his disillusionment with the U.S. effort in Afghanistan.

"I am sorry for everything," he wrote, according to the magazine. "The horror that is America is disgusting."

While President Barack Obama and Pentagon officials have avoided portraying Bergdahl as a hero even as they welcomed his freedom, Susan Rice, Obama's national security adviser, said over the weekend that "he served the United States with honor and distinction."

Asked yesterday whether Bergdahl served with honor and distinction, White House press secretary Jay Carney referred the matter to the Defense Department.

Nathan Bradley Bethea, who served in Bergdahl's battalion in Afghanistan, wrote on the Daily Beast website yesterday that "Bergdahl was a deserter, and soldiers from his own unit died trying to track him down."

Since Bergdahl's release on May 31, Republican lawmakers have stepped up their attacks on the Obama administration, saying it negotiated with terrorists and failed to give Congress the legally required 30-day notification of the deal that freed the American soldier in return for the release of five Taliban prisoners held at Guantanamo Bay in Cuba.

"I fear President Obama's decision will inevitably lead to more Americans being kidnapped and held hostage throughout the world," Senator Lindsey Graham, a South Carolina Republican, said in a letter yesterday asking the Senate Armed Services Committee to hold a hearing on the prisoner swap. The panel scheduled a closed-door briefing for June 10.

The prisoner exchange, brokered by Qatar, requires the five men to remain in that country for a year. Rice said in the interview June 1 on ABC that the agreement places "restrictions on their movement and behavior" in Qatar, while she declined to discuss details.

Representative Mike Rogers, chairman of the House intelligence committee, said the freed Taliban prisoners are likely to return to Afghanistan before the final U.S. troops depart by the end of 2016.

"They're going to get a nice healthy shot at American troops," Rogers, a Michigan Republican, said yesterday at a

Bloomberg Government breakfast. "They're going to want to taste blood as bad as anybody."

Similar agreements with other governments that have taken prisoners have "been an absolute disaster," he said.

"We have lost people in these countries within weeks – weeks – of them getting back," he said of other freed prisoners.

Defense Secretary Chuck Hagel said June 1 on NBC that prisoner exchanges are a standard practice of warfare, and the Bergdahl deal won't "somehow encourage terrorists to take our American servicemen prisoner or hostage."

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Answering Questions About A Soldier's Disappearance

By Alex Berenson

[New York Times](#), June 4, 2014

LEAVE no soldier behind.

The four words are honored at every rank in the American military. Soldiers willingly, sometimes foolishly, risk their own lives to keep their comrades out of enemy hands.

So the White House expected that the release of Bowe Robert Bergdahl, a 28-year-old taken prisoner in Afghanistan nearly five years ago, would bring cheers. President Obama personally publicized the release, speaking in the Rose Garden on Saturday alongside Sergeant Bergdahl's parents. (A private when captured, he was promoted in captivity.)

Instead, many of his fellow soldiers are outraged. When Defense Secretary Chuck Hagel announced the news to troops at Bagram Air Base, north of Kabul, he was met with silence. Online, soldiers and veterans — including some from Sergeant Bergdahl's own platoon — have filled Facebook pages to condemn the decision to free five Taliban commanders from the Guantánamo Bay prison in exchange for him.

The Obama administration's decision to talk with the Taliban to secure Sergeant Bergdahl's release is not what has driven that anger. The American pledge not to negotiate with terrorists has been honored more in the breach than the observance from the moment President Ronald Reagan made it. And the Taliban already play a major role in Afghan politics. The United States will be dealing with them for the foreseeable future, like it or not.

No, the military fury stems from the troubling circumstances of Sergeant Bergdahl's capture — and the fact that several American soldiers from units in the province where he disappeared were killed in the months that followed his disappearance. Sergeant Bergdahl's critics say some of

those deaths were related to the search for him, though the Pentagon says those charges are unsubstantiated.

Michael Hastings, an investigative reporter who died last year, examined Sergeant Bergdahl's disappearance in a lengthy 2012 Rolling Stone piece whose accuracy has not been questioned. Drawing on emails that Sergeant Bergdahl sent to his family and interviews with his fellow soldiers, Mr. Hastings reported that he had despised serving in Afghanistan almost from the moment he arrived in the spring of 2009. By Mr. Hastings's account, Sergeant Bergdahl's unit was undisciplined, undermanned and poorly led. Sergeant Bergdahl didn't understand why he was there.

Following a long firefight that May, Sergeant Bergdahl's anger worsened. On June 27, he wrote a final email to his family, according to Mr. Hastings. It included these words: "I am sorry for everything. The horror that is America is disgusting." Three days later, he left his rifle and night-vision goggles and walked off his base. The decision was so reckless as to verge on suicidal. Not surprisingly, the Taliban captured him in less than two days.

Sergeant Bergdahl may have broken any number of military laws. Under Article 85 of the Uniform Code of Military Justice, a soldier commits desertion if he "quits his unit, organization, or place of duty with intent to avoid hazardous duty or shirk important service." Desertion during wartime is punishable "by death or such other punishment as a court-martial may direct."

Of course, no military court has found him guilty of any crime. But there's no doubt that Sergeant Bergdahl's disappearance caused terrible trouble. American forces across eastern Afghanistan suspended other operations and spent weeks searching for him.

Meanwhile, he had the opportunity to repent his decision to leave the base. He spent almost five years in the less than welcoming hands of the Taliban, who made propaganda videos with him as an unwilling star.

As a reporter, I embedded for modest stints with American soldiers in Afghanistan and Iraq. When I'm asked about those experiences, I always say — and mean — that we civilians don't deserve the soldiers we have. In this case, perhaps, the reverse was true. The White House worked tirelessly to free Sergeant Bergdahl, and did not let the murk around his disappearance stop its decision to trade Taliban detainees for him. I'm no soldier, but that decision seems right to me. No man, or woman, left behind.

But now that this man is on his way home, what to do with him? The White House clearly erred by pretending that Sergeant Bergdahl was an ordinary prisoner of war and that his return would be cause for unalloyed celebration. It should have brought him home as quietly as possible, with no fanfare. Now I don't see how the Pentagon can avoid re-examining what happened on June 30, 2009.

If Sergeant Bergdahl is proved mentally competent to stand trial, maybe he deserves a few years in Leavenworth to reflect on his dereliction of duty. Ultimately, his peers in a military court must answer that question.

But the anger and confusion that his release has generated seems somehow fitting, a messy and inconclusive end to a war that went on far too long without a clear purpose after the rout of Al Qaeda. Bowe Bergdahl is going home. So are the Taliban.

Alex Berenson, a former reporter for The New York Times, is the author of the John Wells series of spy novels, the most recent of which is "The Counterfeit Agent."

Obama Defends Deal That Freed Soldier Amid Growing Demands For Hearings

By Patricia Zengerle And Jeff Mason

[Reuters](#), June 4, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Boehner Backs Hearings On Bergdahl Swap For 'Taliban 5'

By Niels Lesniewski

[Roll Call](#), June 3, 2014

Speaker John A. Boehner charged the Obama administration with intentionally keeping the swap of Sgt. Bowe Bergdahl for five Taliban officials from Congress ahead of time and backed a push for hearings by Armed Services Chairman Howard "Buck" McKeon Tuesday.

The Taliban officials were transferred to Qatar from the detention camp at Guantánamo Bay, Cuba, without the legally required 30 days Congressional notification.

The Ohio Republican acknowledged Tuesday that an exchange like the one that took place Saturday had been previously discussed years ago.

But he said that while Congress kept the idea secret despite concerns about the wisdom of a transfer, the administration intentionally kept them in the dark.

"There was every expectation that the administration would re-engage with Congress, as it did before, and the only reason it did not is because the administration knew it faced serious and sober bipartisan concern and opposition," Boehner charged.

Boehner spokesman Michael Steel also pointed to a statement by White House Press Secretary Jay Carney on June 21, 2013 when asked about the possibility of exchanging five Guantanamo prisoners for Bergdahl.

"We would not make any decisions about transfer of any detainees without consulting with Congress," Carney said, per the White House transcript.

The White House and President Barack Obama have contended the lack of notice was due to the desire to complete the deal and get Bergdahl home safely, and the White House has contended the lack of notice was lawful.

Boehner also said that while he is happy for Bergdahl and his family, he is worried about the precedent.

"It is important that we get clarity in the days and weeks ahead about not only how this exchange came about but what steps the President has taken to guarantee this exchange is not a signal that it is open season on our fellow citizens, both military and civilian personnel, serving our country abroad so faithfully. ...One of their greatest protections – knowing that the United States does not negotiate with terrorists – has been compromised."

Boehner said he raised concerns when he was first told of the possibility more than two years ago.

"The chairmen at the time and I raised serious questions to the administration. Unfortunately, the questions and concerns we had were never satisfactorily answered and they remain today," Boehner said. "At the time, the administration deferred further engagement because the prospects of the exchange had diminished. The administration provided assurances, publicly reiterated by the White House in June 2013, that its engagement with Congress would resume if the prospects for an exchange became credible again."

Republican aides said there had been two interagency briefings on the subject of swapping Army Sgt. Bowe Bergdahl, a longtime prisoner of war, for five detainees. Those briefings, on Nov. 30, 2011, and Jan. 31, 2012, were said by aides to be the only such briefings involving the relevant House GOP leaders.

"The briefings in late 2011 and January 2012 were highly compartmented to ensure the safety of Sergeant Bergdahl and to preserve space for diplomatic negotiations. While press reports at the time citing administration sources revealed that the White House was considering this prisoner exchange, Congress kept the serious ongoing policy and ethical discussion with the administration private," Boehner said.

Republican sources say an aide to the speaker received a phone call from a Defense Department official regarding the swap at 11:52 a.m. on May 31.

McKeon, R-Calif., earlier announced plans to hold hearings into the administration's failure to keep to the 30-day notification required before transferring prisoners from the U.S. prison in Guantanamo Bay, Cuba.

Top Hill Republicans Didn't Know Of Bergdahl Deal

By Burgess Everett And John Bresnahan

[Politico](#), June 3, 2014

Top House and Senate Republicans said on Tuesday that they were not informed beforehand of the deal to release Sgt. Bowe Bergdahl in exchange for five Taliban officials detained at Guantanamo Bay.

Both Speaker John Boehner (R-Ohio) and Senate Minority Leader Mitch McConnell (R-Ky.) said that they were not told in advance by the Obama administration about the now-controversial prisoner exchange. A House GOP aide said the last time such an exchange was discussed with the speaker was over two years ago in January 2012.

Senate Majority Leader Harry Reid did receive a heads-up on the deal on Friday, he told reporters on Tuesday afternoon. But the Democratic chairmen of both his chamber's Intelligence and Armed Services committees said they were left in the dark.

McConnell was notified Saturday morning after Bergdahl was already in American hands, an aide said. According to a House GOP aide, Boehner was also told on Saturday morning, about 30 minutes before the news broke publicly.

Administration officials plan to brief all senators on Wednesday evening on the issue.

The comments by House and Senate leaders were the first time senior lawmakers detailed their knowledge of the Bergdahl swap. And criticism of the administration was not limited to Republicans.

The White House was forced to apologize to Senate Intelligence Committee Chair Dianne Feinstein (D-Calif.) for failing to notify her of its plans. Deputy National Security Adviser Tony Blinken called Feinstein on Monday night to express regret for an "oversight" in not fully briefing Congress.

Unlike Reid, Feinstein said she did not hear directly about the swap before the news broke and only learned "after the fact."

"It's very disappointing that there was not a level of trust sufficient to justify alerting us," she said. "The White House is pretty unilateral about what they want to do and when they want to do it ... But I think the notification to us is important."

While glad that Bergdahl was released by the Taliban, Boehner and other top Republicans feel the White House potentially violated statutory requirements to inform Congress 30 days before such an exchange occurs.

"More than two years ago, Members of Congress were briefed on the possibility of such an exchange, and the chairmen at the time and I raised serious questions to the administration," Boehner said in a statement released by his office. "At the time, the administration deferred further engagement because the prospects of the exchange had diminished. The administration provided assurances, publicly reiterated by the White House in June 2013, that its engagement would resume if the prospects for an exchange became credible again."

House GOP aides said such a notification never took place, but Reid said that doesn't mean he broke the law.

"I've been told no, he did not violate the law," he said.

According to Republican aides, Boehner and Reps. Ileana Ros-Lehtinen (R-Fla.) — then the chairman of the Foreign Affairs Committee — plus McKeon, Intelligence Committee Chairman Mike Rogers (R-Mich.) and the late Rep. Bill Young (R-Fla.) — then the chairman of the Defense Appropriations subcommittee — were briefed by officials from the National Security Council, Pentagon, State Department, CIA and Director of National Intelligence on the possibility of peace talks in Afghanistan, with a swap for Bergdahl being seen as a "confidence builder" for such talks. The first meeting was held on Nov. 30, 2011.

The Republicans objected to any such deal for Bergdahl, fearing it could lead to further kidnappings of U.S. soldiers and Marines in Afghanistan.

Following Obama's statements from Europe that Congress was indeed informed of the deal, confusion and furor mounted on Capitol Hill over exactly who knew what and when. While mainly Republicans launched criticism at the White House for its handling of the swap, some Democrats were critical and they were also left in the dark.

In a brief interview early on Tuesday, Reid said the White House contacted him ahead of the swap — but not by much.

"It must have been either the day before or the day of. I don't remember for sure," Reid said.

Beyond Reid, members of Congress said they were ill-informed of the Obama administration's secret negotiations with the Taliban through Qatar. Feinstein's counterpart on the Intelligence committee, Georgia Republican Saxby Chambliss, said it had been more than a year since he'd heard a peep about Bergdahl from the White House — so long he couldn't remember the precise date.

Republicans are furious that the Obama administration didn't follow laws that require Congress to receive a 30-day notice on prisoner swaps. At a press conference in Poland on Tuesday, President Barack Obama said the administration had consulted Congress "for some time" though intelligence leaders in Congress indicated they hadn't received a briefing on Bergdahl for several years.

Sen. John McCain (R-Ariz.), the former top Republican on the Senate Armed Services Committee, said there was a broad 2012 briefing about negotiations with the Taliban that contained "talk of release of Bergdahl." But that consultation, he said, was not specific to a prisoner swap.

McCain's successor on Armed Services, Jim Inhofe (R-Okla.), said he'd "never" heard a word about Bergdahl since assuming the ranking member role on the panel in 2013.

"I didn't know anything about Bergdahl until you guys did," he told reporters.

The issue will begin to be hashed out by the Senate Intelligence Committee behind closed doors on Tuesday. A classified briefing on Bergdahl has been arranged for senators on Tuesday afternoon to pepper top administration intelligence officials about how the swap went down — and why Congress was left largely in the dark.

“We’re going to continue to ask the right difficult questions of the White House as to why they did what they did, why they had the authority for doing what they did,” Chambliss said.

The Senate Armed Services Committee will hold a similar briefing June 10 — though Republicans are pushing for an open hearing as well. House Armed Services Chairman Buck McKeon (R-Calif.) has vowed to also hold hearings on the Bergdahl exchange.

Senate Armed Services Chairman Carl Levin (D-Mich.) said Obama tipped off Congress in December when he signed the National Defense Authorization Act that included the 30-day requirement. Levin said the White House didn’t notify him of the swap until Monday.

“Signing statements can’t change the law, but what they did do in this case is notify Congress that the president had authority under the Constitution to move quickly in the area of detainees. He notified the Congress that he had that authority,” Levin said. He was not notified of the swap until Monday from the White House. “He put us on warning.”

Reid (D-Nev.) declined to discuss how much the Obama administration had kept him in the loop.

“Oh, I’m not going to talk about that,” Reid said.

Typically the party leaders and top intelligence members receive higher levels of briefings than rank-and-file members — but two sources familiar with the issue, one Democrat and one Republican, said that the administration’s Bergdahl briefings had largely dried up by the beginning of 2012.

“It was a conscious decision not to engage with Congress,” a Republican source said, recounting radio silence each time an inquiry was sent to the White House regarding the status of Bergdahl negotiations. That source described a sharp contrast with the White House’s disclosure on Bergdahl to the killing of Osama bin Laden, in which top members of Congress received regular outreach from the the White House well in advance of U.S. actions.

The Democratic source said that word on Bergdahl came shortly before President Barack Obama gave a statement in the Rose Garden regarding his release. The staffer said regular Hill briefings ceased about 30 months ago, which jibes with House Intelligence Chairman Mike Rogers’s assertion on Tuesday that Congress had received no briefings on Bergdahl since 2011.

There has been bipartisan concern for years about the proposed swaps of U.S. prisoners for senior Taliban figures, including comments by Feinstein to Foreign Policy in 2012 in

which she expressed opposition to trading five Taliban members for one U.S. citizen.

Chambliss said he was assured by the administration that he would receive advance notice of negotiations for the release of Taliban officials. Chambliss has long opposed the rumored trade of Guantanamo prisoners for Bergdahl, and said that he can’t “believe a thing this president says now.”

The White House has argued that the Bergdahl deal is legal under the Constitution — and Reid did not seem to share concerns over its legality on Tuesday.

“I’m glad we brought one of ours home,” he said.

And Levin said that if the move was OK’d by Joint Chiefs of Staff Chairman Martin Dempsey, then Congress should be satisfied of the national security implications surrounding the release of the prisoners from Guantanamo.

“I listen very closely to our top military leaders. That has a big impact on me. And when the chairman of the joint chiefs says this is a duty to get the release of our prisoners. I presume ... that he supported this decision. That means a lot to me,” Levin. “This goes to the issue that Gen. Dempsey is raising, about a duty to get our people back.”

GOP Seeks Declassification On Taliban

By Burgess Everett

[Politico](#), June 3, 2014

To Republicans, the five detainees released from Guantanamo Bay on Saturday in exchange for U.S. Sgt. Bowe Bergdahl amount to the “Taliban Dream Team” and the “Fab Five” of terrorism.

And now they are seeking declassification of secret administration files on the five Taliban officials to prove it.

Sen. Saxby Chambliss (R-Ga.) said that he’s sending President Barack Obama a letter on Tuesday afternoon “to demand that he declassify each of the classified files on these five individuals.”

He’s also hoping the media is allowed the same access to classified files that senators will receive on Wednesday night at an all-senators briefing with top White House officials.

While Republicans have expressed support for Bergdahl’s return to the United States, they are warning that the U.S. may have made a raw deal by releasing the high-level Taliban figures from Guantanamo Bay as a condition to Bergdahl’s release. They want public disclosure of just who the U.S. has released to Qatar for a year — and how the administration is going to ensure they don’t rejoin the wrong side of the war on terror.

“The president needs to look the American people in the eye and explain to the American people why he was justified in releasing the five individuals. And why their background didn’t demand and mandate that they be detained at Guantanamo for an indefinite period of time,” Chambliss told reporters on Tuesday, tasked by Senate

Minority Leader Mitch McConnell to explain the Republican position on the swap.

On Tuesday, GOP senators including Chambliss referred to the five detainees now released to Qatar as the “Taliban Dream Team,” the “Fab Five,” the Taliban’s “New Board of Directors” and “Mullah Omar’s cabinet.” Their worry is that exchange of five combatants for Bergdahl sets the precedent of releasing dangerous individuals back onto the battlefield of the war on terror — and lead to future attacks on Americans.

“I’m all for having Mr. Bergdahl released. I’ve advocated that since his departure. But the price for that in an ongoing conflict with the Taliban is unacceptable to me because we are putting the lives of Americans at risk,” said Sen. John McCain (R-Ariz.). “They’re not just foreign fighters, they’re war criminals. The Israelis may do that, I don’t agree with it. I’m worried about putting American lives at risk.”

“The Taliban picked these five individuals out and said: ‘Mr. President we’ll give you these five,’” Chambliss said, warning they are likely to “act as the planners and fundraisers to carry out acts of terrorism to kill and harm Americans.”

Senate Majority Leader Harry Reid (D-Nev.), perhaps the best-informed member of Congress about the Bergdahl transfer because he received a heads-up of the prisoner trade, said that the oversight of the release of the five combatants was “adequate” as he understood it.

“My own personal opinion: Guantanamo has been there for far too long, we should get them out of there as quickly as we can. we’ve been held up from doing that from the Republicans,” Reid said. “I’m glad to get rid of these five people, send them back to Qatar.”

But the issue does not divide evenly among party lines. Senate Foreign Relations Chairman Robert Menendez (D-N.J.) shared the GOP’s concerns about the five men released from Guantanamo — and what it could mean for future negotiations about prisoner exchanges.

“I am concerned about who was given in exchange,” Menendez said. “I don’t want the message to be you can go ahead and capture Americans and use them to barter.”

After Guantanamo, Freed Detainees Returned To Violence In Syria Battlefields

By Maria Abi-Habib

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Secret Videos Prompted Bowe Bergdahl Taliban Prisoner Swap

By Adam Entous, Dion Nissenbaum And Michael R. Crittenden

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Taliban Used Haggard Look Of Bergdahl In Last Video To Expedite Trade

By Rowan Scarborough

[Washington Times](#), June 4, 2014

The Haqqani terrorist group kept Sgt. Bowe Bergdahl in relatively good health the past five years because it was always its goal to trade him, U.S. officials said Tuesday.

But the last “proof-of-life” video the Haqqani network recorded showed Sgt. Bergdahl looking haggard and perhaps bruised. One U.S. official said intelligence analysts believe the soldier may have been made to look ill as a ploy to convince Washington he was in failing health and needed to be freed promptly. The video was produced in December and obtained by U.S. military in January.

Defense Secretary Chuck Hagel cited Sgt. Bergdahl’s health as a prime factor in trading five senior Taliban commanders for his release.

Before that, officials said Sgt. Bergdahl was fed, clothed in local garb and allowed to exercise, and he wrote at least one letter home to Hailey, Idaho.

The U.S.-designated terrorist group wanted the release of senior Taliban fighters who one day could help bring down the new democracy in Afghanistan, so the sergeant’s health was important, a U.S. official said. The official and other sources for this report requested anonymity in order to discuss sensitive matters freely.

The details of Sgt. Bergdahl’s day-to-day existence are sketchy, but U.S. authorities believe he was moved among various compounds in Pakistan controlled by the Haqqani network, a family-led band of terrorists that operates with near impunity as its operatives cross into Afghanistan to conduct attacks and kill Americans.

Sgt. Bergdahl, 28, is in a military hospital in Germany, where he is undergoing a step-by-step reintegration program that will lead to a detailed debriefing of how he was captured and treated and what he saw in captivity.

Some tidbits relayed to the U.S. command in Afghanistan came from sources with shaky reliability. Still, when Navy SEALs took possession of him Saturday, Sgt. Bergdahl was walking and talking and did not seem to have serious medical problems.

“He was in fair condition physically when we received him, so it appears he was cared for somewhat adequately,” a Pentagon official said. “But he needs to be debriefed for us to really get a sense of that. All the information during his captivity came from sources with questionable reliability, but they also indicated he wasn’t abused.”

A former special operations official said, “There was no more concern today about his health as a prisoner of

terrorists than there was last year. They could kill him at any moment, then or now.”

A third source, an adviser to U.S. Special Operations Command, said, “In all the intelligence reports I saw, there was no indication he was mistreated to the level of abuse.”

Previous publicly released videos showed Sgt. Bergdahl declaring himself “physical fit” and doing leg squats. In another, he pleaded, “Get me to be released.”

He also said, “I’m scared. I want to be able to go home.”

Another proof-of-life item emerged last June, when his parents in Idaho received their son’s handwritten letter via the International Committee of the Red Cross.

“He was scripted and redacted, but he was no doubt alive and his faculties fully functioning as of two months ago,” Robert Bergdahl told a family friend, according to CBS-TV affiliate KBOI. “They are being very careful with him. He is still highly valued at high levels.”

The military does know some details about his first day as a captive, June 30, 2009, when he failed to answer a morning roll call. His absence ignited an instant skirmish as hundreds of soldiers and special operations troops went on direct-action missions against the Taliban in hopes of finding him. They searched everything from bunkers to latrines.

Some commandos secretly went across the Pakistani border, according to the former special operations official.

“Additional forces were moving into the area to place blocking positions and conduct searches based on all of the aerial and ground-based intelligence sources available throughout the day and through the night,” said a June 30 military command message posted on the whistleblower site WikiLeaks.

Communication intercepts revealed that a soldier with a camera was walking around asking whether anyone spoke English.

Hours later, intercepts said the Taliban had captured a soldier.

The last promising lead was later that day. Sgt. Bergdahl was seen in a black Toyota, a bag over his head, dressed in khakis and being escorted by three to five motorcycles. Then he was gone.

He did not re-emerge until he was seen in a video under the Haqqani network’s control, kneeling at a table framed by a white backdrop.

At one point, a Taliban commander claimed Sgt. Bergdahl, whose emails home showed he was disenchanted with the war, was helping the enemy plan attacks.

“No indicators at all,” the Pentagon official said.

As to why no commando rescue mission was dispatched, the source said one big reason was that it would have involved another complicated and risky mission inside Pakistan on a scale of the May 2011 raid to kill Osama bin Laden. That incursion roiled relations with Pakistan and enraged local politicians.

Penetrating the lightly guarded bin Laden compound was one thing. Surprising and defeating nearly a dozen hardened Haqqani fighters would require a much larger operation, the source said.

Congress Kept In Dark On Bergdahl Swap Since 2012

By Bradley Klapper And Donna Cassata

[Associated Press](#), June 4, 2014

WASHINGTON (AP) – Top members of Congress were briefed more than two years ago about the possibility of exchanging an American soldier held captive by the Taliban for five terror suspects at Guantanamo Bay, Cuba, senior Democrats and Republicans said Tuesday.

In a statement, House Speaker John Boehner said lawmakers raised serious concerns that were never satisfactorily answered about the potential swap involving Sgt. Bowe Bergdahl and received assurances from the Obama administration that if a deal were more likely, Congress would be contacted.

Lawmakers weren’t informed until word came this past Saturday of the exchange.

“There was every expectation that the administration would re-engage with Congress,” Boehner said. “The only reason it did not is because the administration knew it faced serious and sober bipartisan concern and opposition.”

Boehner’s sentiment was echoed by Republican and some Democratic senators, who questioned the Obama administration’s suggestions that Bergdahl’s deteriorating health posed an imminent risk, requiring fast action.

“There has not been even the weakest case, in my opinion, made that he was suffering from a health standpoint to the degree to which a decision had to be made,” said Sen. Saxby Chambliss, the top Republican on the Senate Intelligence Committee.

“He was undernourished, not necessarily malnourished,” echoed Sen. Dianne Feinstein, the panel’s Democratic chair, citing an assessment from a few months ago. “Unless something catastrophic happened, I think there was no reason to believe he was in instant danger. There certainly was time to pick up the phone and call.”

Both senators slammed the administration’s disregard for Congress after attending a classified briefing with intelligence officials Tuesday.

Feinstein said she and Chambliss wrote classified letters to President Barack Obama and then-Secretary of State Hillary Rodham Clinton in late 2011 and early 2012 expressing their opposition to the transfer of high-level detainees to Qatar as part of the proposed deal to free Bergdahl. The top House Republican and Democrat for intelligence also signed on.

Clinton responded by promising further consultation before making the exchange, Feinstein said, but no subsequent talks or notification ever occurred. Feinstein said the administration knew it must notify Congress at least 30 days in advance.

"Our views were clearly translated," Feinstein told reporters. "So it comes with some surprise and dismay that the transfers went ahead with no consultation, totally not following the law."

The White House insists it acted lawfully. Officials said delaying Bergdahl's transfer in order to comply with the congressional notification rules would have interfered with two of the president's constitutional authorities: protecting the lives of Americans abroad and protecting U.S. soldiers.

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Hillary Clinton Defends 'tough' Choice To Swap Sgt. Bowe Bergdahl For Prisoners

By Cheryl K. Chumley

[Washington Times](#), June 4, 2014

Former Secretary of State Hillary Clinton offered cautious defense of the White House decision to swap Sgt. Bowe Bergdahl for five Taliban members at Guantanamo Bay, saying President Obama was handed a "tough" decision and critics should hold back their opinions.

She also said she hoped the Qatar government wouldn't renege on its promise to keep close tabs on the freed militants.

"We have a long way to go before we really know how this is going to play out," Mrs. Clinton said, NBC News reported.

She made the comments in response to questions thrown her way during a scheduled lecture on her book, "Hard Choices," at a spot near Denver, Colorado.

"This young man, whatever the circumstances, was an American citizen — is an American citizen, was serving in our military," Mrs. Clinton said, NBC News reported. "I don't believe in second guessing people who have to make these hard choices. We do have a tradition — I ascribe to it. It's a tradition that's not only embedded in our military but in our country — and that is we try not to leave any of our soldiers on the field. We try to make sure that, insofar as possible ... we bring them home."

Mrs. Clinton called on the Qatar government to keep their end of the bargain and refuse to let the released Taliban members out of the country.

"I certainly hope they follow through on the assurance that they provided," she said.

Sen. Rubio: POW Swap Endangers Americans

By Sen. Marco Rubio

[USA Today](#), June 4, 2014

Last month, the National September 11 Memorial and Museum opened its doors at Ground Zero in New York. Lost in the solemn remembrances of that day was the fact that America remains at war. Every day, those affiliated with the terrorists who committed the atrocities 13 years ago plot to kill Americans, including here in the U.S. homeland.

This inconvenient fact should be foremost in our mind when we review the president's decision to release five hardened Taliban terrorists with the blood of Americans on their hands in exchange for a detained U.S. prisoner of war.

Although the release of Army Sgt. Bowe Bergdahl is welcome, the conditions under which it occurred are very worrying. The president has elevated a terrorist group to the position of a nation state's military, in effect, legitimizing the Taliban. This apparent shift in U.S. policy is troubling for a number of reasons.

First, it demonstrates to other non-state actors and terrorist groups that the U.S. government is willing to deal on a peer-to-peer level, even with terrorist groups that do not respect the laws of armed conflict. Second, this demand from the Taliban, which was not new, shows that the U.S. was, over time and under pressure, ultimately willing to accede to its requests. Third, this change in policy may endanger the lives of Americans abroad, both military and civilian, by making U.S. citizens more attractive to pirates, terrorists and any other thugs who expect to get paid or have their demands met in return for the release of a captive American. For instance, al-Qaeda affiliates, particularly in the Sahel, Horn of Africa and Libya use this method as their primary means of revenue generation.

This also comes as the president has announced his intention to withdraw all U.S. forces from Afghanistan by 2016. The Afghans need to step up and take on more responsibility for their own security. But this decision to send five senior terrorist leaders to Qatar who within a year will be able to return to the battlefield even though they have killed innocent Afghans in the past, as well as announcing a date certain for U.S. withdrawal based on nothing more than a political timeline, sends the wrong message to our Afghan allies as well as our enemies at a key moment in the Afghanistan War.

The prisoner swap is part and parcel of a broader problem with the president's approach to the war on terror.

Put simply, he doesn't seem to understand that we are still at war.

The president has tried to argue that the threat from Islamist terrorism is receding. He and his top lieutenants

frequently talk about al-Qaeda's leadership being "decimated" or "on the run."

The reality, however, is that al-Qaeda is not defeated. Under President Obama's watch, it has instead morphed into affiliates operating in as many as a dozen countries. The threat from these disparate groups is not subsiding. In fact, it is metastasizing across the Middle East, the Sahel and Horn of Africa, Libya, the Sinai and, yes, Pakistan and Afghanistan. Director of National Intelligence James Clapper has gone so far as to say that he is unable to state that the threat from al-Qaeda "is any less" than it was 10 years ago.

Syria is a perfect example. Just last week, it was reported that an American from my home state of Florida carried out a suicide bombing in Syria. News reports indicate that there may be as many as 100 Americans fighting in Syria. Our allies have even more of their nationals who have joined the fight, creating concerns worldwide about the fallout when these radicalized fighters return to their home countries with combat experience.

All of these disturbing scenarios were predicted by many observers of the administration's handling of the Syrian conflict. Our inaction and failure to engage the moderate elements of the opposition created the space now being filled by al-Qaeda affiliates. The refugee flows and instability in Syria are now spilling over into Syria's neighbors. Last week, the president announced an overt train-and-equip program to assist the moderate opposition, a step that many in Congress have been urging for years.

I fear that we will be dealing with the consequences of our failure to address these real world threats to our country and to our families for decades to come.

The American people deserve better than a president who refuses to speak honestly about the threats we face. Speaking about ending wars and "nation-building at home" and pursuing law enforcement solutions to global challenges may sound alluring to a public fatigued by an increasingly chaotic world. But it is innocent Americans who are going to pay the consequences if we continue down this path of not taking the threats to our country seriously.

Marco Rubio is a Republican senator from Florida.

As Obama Acts On Pollution And Bergdahl, G.O.P. Talks Of Eroding Trust

By Carl Hulse

[New York Times](#), June 4, 2014

WASHINGTON — The Obama administration's actions in the case of Sgt. Bowe Bergdahl and in issuing new power plant emissions restrictions have deepened its rift with congressional Republicans, who see the moves as the latest troubling examples of the White House circumventing Congress.

Republicans say the exchange of Sergeant Bergdahl for five Taliban members without congressional consultation, as well as the use of executive authority to try to force reductions in power plant pollution, make it more unlikely that major proposals like an immigration overhaul can advance this year.

"Clearly, the president's own actions on a range of issues continue to undermine the American people's trust in him," said Michael Steel, a spokesman for the House speaker, John A. Boehner of Ohio.

Mr. Boehner has said repeatedly that while he would like to move forward with changes in immigration law, he cannot overcome strong resistance from conservative House Republicans until the president demonstrates he can be trusted to enforce new restrictions that would be part of any immigration compromise.

On Tuesday, the speaker issued a statement saying that the swap of Sergeant Bergdahl "has invited serious questions into how this exchange went down and the calculations the White House and relevant agencies made in moving forward without consulting Congress despite assurances it would re-engage with members on both sides of the aisle."

Mr. Boehner's stance and the angry reaction of other Republicans to the most recent series of events indicated that rather than progressing, President Obama's relationship with congressional Republicans was instead going backward.

Top Democrats and other analysts have suggested that Mr. Boehner's immigration stance is a convenient excuse for Republicans to refrain from taking action and a way to put the onus for the stalemate on the president rather than on Republicans, who have seen a decline in their standing with Hispanics. It was also seen as an effort by members of the House Republican leadership to buy time to get through primaries before they tried their hands at immigration legislation later in the fall.

Even if the raising of the trust issue was mainly a gambit by Mr. Boehner, the resentment Republicans are showing over both recent decisions by the White House would make it very difficult for congressional Republicans to now reverse course and say the president had regained their confidence.

As they assessed the backlash to the decisions on Sergeant Bergdahl and emissions, Democrats said they had already made an offer to Republicans that could defuse any trust issue if that was what was actually keeping them from moving ahead on immigration.

"If that is their true concern, we can meet their objections completely and totally by setting the first day of implementation as Jan. 20, 2017, and President Obama will have nothing to do with implementation," said Senator Charles E. Schumer of New York, the No. 3 Senate

Democrat, who has been discussing immigration policy with Republicans.

Mr. Schumer said mistrust between the president and congressional Republicans should not be the reason an immigration overhaul was delayed. "I believe an excuse like this will not stand in the way if they want to do immigration reform," he said.

Republicans said the proposal promoted by Senator Harry Reid, the Nevada Democrat and majority leader, and Mr. Schumer to pass the overhaul now and apply it later did not make sense to them, and it does not seem to be winning many Republican converts.

Applying the pressure, Democrats have said that if House Republicans do not act before the start of the August recess, Mr. Obama could use his executive power to reduce the deportations that have angered Hispanics.

That is precisely the kind of threat that can cause Republicans to dig in. Any mention of the president's willingness to use his "pen and phone" to advance his and the Democratic agenda tends to set off a backlash from Republicans, stiffening the very stalemate that can lead to executive action.

Republicans are evidently not the only lawmakers worried about trust and the White House. Senator Dianne Feinstein, the California Democrat and chairwoman of the Intelligence Committee, said Tuesday that the White House expressed to her its regret for the lack of notice on the prisoner swap. She said it was unfortunate that the administration lacked sufficient trust in Congress to notify senators ahead of time.

For months, Republicans have sought to emphasize what they see as the Obama administration's abuse of executive power on a variety of health care, environmental and less visible policies. It is a major source of contention, as well as a topic that both enrages and energizes Republican and conservative voters.

While it alienates Republicans, the president's willingness to employ the power of his office to go around opposition Republicans resonates very positively with core Democratic voters.

For instance, an appeal on Tuesday from the Democratic Congressional Campaign Committee carried the subject line "¡ Obama Executive Action" and praised the president for being willing to push the new Environmental Protection Agency emission regulations despite the objections of Republicans.

"Climate change-denying Republicans have met their match," it said, urging supporters to get behind the president on the issue.

Tension between the president's willingness to mount end-runs around opposition Republicans and their growing unrest with that willingness seems likely to remain if not intensify during the months before the midterm elections. As

a result, it seems unlikely the two sides can restore a level of trust that would allow them to move forward in even the few policy areas where there is some mutual interest.

After Bowe Bergdahl, What About Alan Gross?

By Ruth Marcus

[Washington Post](#), June 4, 2014

The release of Sgt. Bowe Bergdahl in exchange for five Taliban detainees raises the question: What about Alan Gross, the State Department subcontractor who has languished nearly as long in a Cuban jail?

Don't count me among those who pronounce with certitude on the wisdom — or folly — of the Bergdahl deal. It was an agonizingly hard call, one that requires more knowledge than is publicly available about the dangerousness of the five Taliban officials and the United States' ability to keep tabs on them once released.

If pushed, I would come down, tentatively, against the swap. As much as I empathize with Bergdahl's family and respect the "leave no soldier behind" ethos, I am swayed by the murky circumstances preceding his capture — was he intending to desert? — and the riskiness of the release.

What would the president say to the parents of a soldier killed in the hunt for Bergdahl — or, worse, to civilians murdered in a future terrorist plot masterminded by the detainees previously determined too dangerous to allow to leave Guantanamo? What makes that calculus suddenly safer for the United States?

But having made the Bergdahl deal, the president ought to consider: What is the justification for freeing these Taliban officials in exchange for Bergdahl and summarily rejecting the notion of a much more benign release in order to secure Gross's release?

To review: Gross is a civilian subcontractor for the State Department's Agency for International Development who has been held for nearly five years in a Cuban prison. He was convicted and sentenced to 15 years for "acts against the . . . territorial integrity of the state" — bringing cellphones, personal computers and networking devices to help connect Cuba's tiny Jewish community to the Internet as part of a democracy-promotion program.

This might have been a naive enterprise by a contractor in over his head (Gross was a fan of Cuban music, about the extent of his expertise) or more sinister than acknowledged (some of the equipment Gross was bringing to Cuba was awfully sophisticated). But it was done under the auspices of the U.S. government, in furtherance of a U.S. law, the 1996 Helms-Burton Act.

Any U.S. civilian unjustly imprisoned by another country deserves official attention. One held captive because he was working for his country demands special consideration.

The Cuban government has made clear that it is willing to negotiate Gross's release, for an unsavory price: the

release of three remaining members of the Cuban Five, intelligence officers convicted in Miami in 2001 of being foreign agents and of related offenses. The U.S. government has insisted there cannot be any linkage between Gross (not a spy) and the Cuban Five (actual spies). In earlier conversations with me, administration officials have suggested that the president's options are also limited because the Cuban Five were duly convicted and are serving prison terms.

The president's willingness to go to extraordinary lengths to secure Bergdahl's freedom prompts this response to their claims of tied hands when it comes to Gross: Oh please.

First, the president wasn't constrained by any niceties about soldier-for-soldier or spy-for-spy equivalences when it came to trading Bergdahl (soldier) for Taliban (enemy combatant).

Second, in Bergdahl's case, Obama wasn't stopped by the fact that a federal law requires that Congress be notified 30 days in advance about the release of any Guantanamo detainees. The president — appropriately, I believe — invoked his executive authority to act unilaterally. Surely, given that he has undoubted constitutional power to grant pardons or commute sentences, the fact that the Cuban Five have been convicted is an excuse, not a real stumbling block.

Third, perhaps most important, the Cuban Five pose a distinctly smaller danger to U.S. citizens than do the freed Taliban officials. They are no heroes, as Cuba would have it; the worst of the remaining three was convicted of passing along information that resulted in the shooting down of two Brothers to the Rescue planes and the deaths of four U.S. citizens.

But their goal was to shore up the Castro regime, not to attack the United States. They have served significant sentences. Releasing them would be a political risk — sparking protests from Cuban American legislators such as Sen. Robert Menendez (D-N.J.) — not a national security one.

As with Bergdahl, Gross's health is suffering. The 65-year-old went on a hunger strike this year and has said he cannot take captivity much longer.

Unlike with Bergdahl, Gross's president does not seem to be moved to take the steps necessary, however distasteful, to free him.

With Bergdahl Release, The Answer Had To Be Yes

By Kathleen Parker

[Washington Post](#), June 4, 2014

The exchange of five Guantanamo detainees for the release of Army Sgt. Bowe Bergdahl has reminded us of three unpleasant facts of life:

The United States does negotiate with terrorists; the president will circumvent laws as circumstances require; Republicans and Democrats will be summarily outraged as party affiliations seem to require.

We might also add that processes will be "truncated," as President Obama described the exchange, and these are "hard choices," as Hillary Clinton put it, cleverly employing the title of her new book.

Which is to say, war is tricky and we have no idea what we're willing to do until the ball is in our court.

It is easier now to wish we had not invaded Iraq, given the absence of weapons of mass destruction. But in the wake of 9/11, when the Western world was convinced that Saddam Hussein had WMD, eliminating a destabilizing force in the region seemed to many a viable strategy.

It seemed so to then-Sen. Clinton, who voted for the resolution to use military force against Iraq, but not to Barack Obama, then an Illinois state senator who didn't have to decide.

As president — how time flies — Obama has followed through on his campaign promises to end the wars in Afghanistan and Iraq but not to close Guantanamo. Promises are sometimes harder to keep when the facts are in your face. Obama also has increased drone "warfare," eliminating enemies as well as civilians and at least one U.S. citizen deemed to be a combatant without, shall we say, due process.

So yes, he is the non-war president, except . . . and he follows the law and protects the Constitution, unless . . . and he wants to close Guantanamo, but encountered the same daunting obstacles that George W. Bush did.

Yes, yes, Bush created the problem. Noted. To the point of this column, however, when Obama was faced with whether to release prisoners in exchange for Bergdahl, he was forced to make an executive decision. And yes, he sidestepped the law requiring 30 days notification to Congress, but the law's timetable was untenable, given the reportedly narrow window of opportunity. Whether the president indeed had been discussing the possibility with Congress remains a matter of dispute.

A top GOP aide confirmed to me that no such discussion took place before last weekend's exchange and that, when the idea was floated more than two years ago, it met with strong, bipartisan opposition from congressional leaders.

Obama has justified his decision on the basis of precedent — other presidents have released prisoners as wars wind down — and on the principle that we don't leave our people behind.

Equivalency is a fragile argument here. Bush's wars and Obama's drones are clearly not the same, though you might find those in Afghanistan or Pakistan who would argue otherwise. And George Washington's release of British

prisoners during the Revolutionary War can't be compared to freeing Taliban warriors. Rather than returning home to reclaim their civilian lives, jihadists likely return even more resolved to continue a war that ends only after everyone on the planet converts to Islam.

What is often similar, however, is the moment of truth when a president has to make his own call because he thinks beyond any reasonable doubt that it is the right decision. History doesn't always reward these decisions, but the titans of hindsight are usually compensated for style over content.

It is possible that some of the current criticism is tied to partisan pride as well as the opening of old wounds. Seeing the five bearded detainees was a vivid reminder of 9/11 and its chief perpetrator, Osama bin Laden. The sight of Bergdahl's father, bearded and speaking Arabic and Pashto as he invoked Allah in the Rose Garden with the president, was both strange and creepy.

Obama critics naturally saw the president's mouth tip in a smile, though it could be interpreted as a grimace. What was he to do, grab the microphone? Stare grimly at a father announcing the release of his boy after five years in captivity?

There is nothing trivial about these events, but the questions raised are, nonetheless, "Homeland"-ishly intriguing: Did Bob Bergdahl convert to Islam? Did his son? Did Bowe Bergdahl abandon his post, as fellow soldiers claim? Is he a traitor?

Until the Army provides answers, we'll have to make do with speculation. Meanwhile, the only question that required an immediate response was, did the United States want Bergdahl back and what were we willing to trade?

This was indeed a hard choice — and the answer had to be yes.

Obama Boosting America's Military Effort In Europe

By Julie Pace

[Associated Press](#), June 4, 2014

WARSAW, Poland (AP) — President Barack Obama pledged Tuesday to boost U.S. military deployments and exercises throughout Europe, an effort costing as much as \$1 billion to demonstrate American solidarity with a continent rattled by Russia's intervention in Ukraine.

But even as Obama warned that Moscow could face further punishments, leaders of Britain, France and Germany were lining up to meet with Russian President Vladimir Putin at week's end.

Those one-on-one meetings would appear to send a mixed message about the West's approach to relations with Russia, given that the same leaders are also boycotting a summit Putin had been scheduled to host this week.

Obama does not plan to hold a formal meeting with Putin while both attend events Friday marking the 70th

anniversary of the D-Day invasion that hastened the end of World War II, though the two leaders are likely to have some interaction. The U.S. president suggested there was no contradiction between efforts to isolate Russia and engaging directly with Putin.

"The fact of the matter is that Russia is a significant country with incredibly gifted people, resources, an enormous land mass, and they rightfully play an important role on the world stage and in the region," Obama said during a news conference with Polish President Bronislaw Komorowski. He added that it could be possible for Putin to "rebuild some of the trust that's been shattered during this past year" but said that would take time.

Western leaders, including Obama, have spoken with Putin by phone multiple times since Russia annexed the Crimean Peninsula from Ukraine and stationed tens of thousands of troops on its border with the former Soviet republic. But until this week, they've avoided face-to-face meetings with Putin to avoid giving the impression that the Russian leader can slide back into normal relationships with U.S. and European leaders that have accused him of stoking instability in Ukraine.

Putin's meetings this week will be closely watched by Poland and other Central and Eastern European nations. Many countries in the regions have been pressing for broader NATO assistance to serve as a buffer in case Russia tries to advance beyond Ukraine.

Obama's announcement Tuesday of a "European Reassurance Initiative," costing up to \$1 billion, was aimed at quelling some of that anxiety. It marks a significant departure from a two-decade trend toward a smaller U.S. military presence in Europe amid a shift by the Obama administration to a more visible and active naval and air power presence in the Asia-Pacific region. Just three years ago the Pentagon downgraded the top U.S. Army Europe commander from a four-star to a three-star general.

If the U.S. Congress approves the funding, the Pentagon would ramp up its air and ground force rotations in Europe, as well as boost military exercises and position more equipment on the continent.

The plan also calls for increasing the U.S. Navy participation in NATO deployments in the Black and Baltic Seas and helping non-NATO nations such as Georgia, Moldova and Ukraine bolster their own defenses. But key details of the effort were unclear, including how big the U.S. troop increase on the continent might be.

Obama said the fund would be "a powerful demonstration of America's unshakeable commitment to our NATO allies."

Komorowski, appearing with the American president, announced that Poland intended to increase its own defense budget to 2 percent of its gross domestic product, and he urged other NATO nations to do the same.

Obama arrived in Warsaw for the start of a three-country swing through Europe that takes him next to Belgium for a meeting of the Group of 7 major industrial nations, then on to France for the D-Day commemorations.

His itinerary in Poland was filled with stops aimed at highlighting the West's ties to this former communist nation and its neighbors. Moments after Air Force One landed in Warsaw, Obama strode across the tarmac to view four F-16 fighter jets and the American and Polish airmen and soldiers who cooperate on NATO missions. Obama and Komorowski also convened a security meeting and dinner with leaders from Bulgaria, the Czech Republic, Estonia, Croatia, Hungary, Latvia, Lithuania, Romania and Slovakia.

The centerpiece of Obama's visit to Warsaw comes Wednesday, when he'll speak at a ceremony marking the 25th anniversary of Poland's first free election and its emergence from communism. Ukraine's new president-elect, Petro Poroshenko, will also attend the event and hold talks with Obama, underscoring Washington's efforts to underscore the legitimacy of the fledgling government in Kiev.

Putin is expected to dine with French President Francois Hollande Thursday night and hold separate meetings with British Prime Minister David Cameron and German Chancellor Angela Merkel.

All three Western leaders are part of the coalition of wealthy nations that decided earlier this year to boycott the Group of 8 summit Putin had planned to host in Sochi, Russia, the site of this year's Winter Olympics. Instead, they scheduled the upcoming Group of 7 meeting in Brussels, pointedly excluding Putin.

The G-7 leaders are expected to discuss the question of which Russian actions in Ukraine could set off further U.S. and European Union sanctions — either expanding existing penalties or levying deeper penalties against the Russian economy. Unless Russia significantly escalates the situation in Ukraine, it's unclear whether European leaders have any appetite for more sanctions given their broad economic ties to Russia.

Associated Press writers Nedra Pickler and Matthew Lee in Warsaw and Raf Casert in Brussels contributed to this report.

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Obama Pledges To Bolster Europe's Security

By Carol E. Lee, Julian E. Barnes And Naftali Bendavid
[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Obama Offers Military Help To Eastern Europe Allies Worried By Russia

By Roberta Rampton And Marcin Goettig
[Reuters](#), June 3, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

U.S. Announces \$1 Billion Program To Boost Military Presence In Eastern Europe

By Zachary A. Goldfarb
[Washington Post](#), June 4, 2014

WARSAW — The White House announced Tuesday that President Obama would seek up to \$1 billion to support an increased military presence in Eastern Europe, in an effort to reassure allies that the United States will rebuff Russian encroachments in the region.

Ahead of a bilateral meeting between Obama and Polish President Bronislaw Komorowski, the White House said the funds, which it called a "European Reassurance Initiative," would be used to support increases in military personnel deployed to Eastern Europe and to aid allies with training and strategic planning.

The White House is also seeking to reposition equipment and infrastructure within Europe and increase participation by the U.S. Navy in the NATO deployment in the Black and Baltic seas.

Finally, the Obama administration is looking to build up the military strength of Georgia, Moldova and Ukraine so they can better provide for their own defense.

European security is the "cornerstone of our own security and it is sacrosanct," Obama said in brief remarks upon arrival here, standing in front of F-16 fighter jets that are part of a shared military deployment. "It is a commitment that is particularly important at this point in time."

The new effort, which requires approval by Congress and is expected to be included in an upcoming Pentagon spending proposal, is likely to be welcomed by Eastern European leaders, even if doesn't fulfill their desire for a permanent U.S. and Western European deployment in the region.

The United States has already taken other modest steps to increase its presence in the region, including rotating 600 paratroopers beginning in April through Estonia, Latvia, Lithuania and Poland for joint training exercises.

In a statement, the White House said that a "persistent U.S. air, land, and sea presence in the region, especially in Central and Eastern Europe, is a necessary and appropriate show of support to allies who have contributed robustly and bravely to Alliance operations in Afghanistan and elsewhere and who are now deeply concerned by Russia's occupation

and attempted annexation of Crimea and other provocative actions in Ukraine.”

Obama will be making further remarks at a press conference to begin at about 12:30 p.m. here.

Obama, In Poland, Renews Commitment To Security

By Peter Baker And Rick Lyman

[New York Times](#), June 4, 2014

WARSAW — President Obama flew here Tuesday to unveil a \$1 billion security plan intended to demonstrate the United States’ “rock-solid commitment” to stand with Central and Eastern Europe against Russian aggression, but it did not settle nerves rattled by the crisis in neighboring Ukraine.

Arriving here for the start of a four-day swing through Europe certain to be dominated by the continuing tension with Moscow, Mr. Obama announced a program to expand military training, joint exercises and troop rotations while prepositioning equipment in the region to bolster defenses for American allies.

“Our commitment to Poland’s security, as well as the security of our allies in Central and Eastern Europe, is a cornerstone of our own security and it is sacrosanct,” Mr. Obama told a contingent of 50 American and Polish airmen and service members in an airplane hangar where they serve together. “As friends and as allies, we stand united, together and forever.”

To make sure his message was lost on no one, Mr. Obama posed for pictures in front of American F-16 warplanes and greeted the American airmen stationed here. But the security program he announced will require congressional approval, so it meant no immediate assistance for Poland or other allies. Mr. Obama offered none of the short-term reinforcements much less the permanent base sought by Warsaw, and some leading Polish figures expressed disappointment.

“President Obama’s declaration has left us a bit hungry,” said Joachim Brudzinski, president of the executive committee of Poland’s largest opposition party, Law and Justice. “It lacks specifics. It doesn’t answer this very important for us question: What does it mean in relation to the presence of U.S. troops in Poland?”

Krzysztof Kubiak, a foreign policy expert from the Institute of Security and International Affairs at the University of Lower Silesia in Wroclaw, said Mr. Obama’s announcement was just “a smokescreen” because after two wars in Iraq and Afghanistan, the United States military is drained and its public ready to pull back.

“The only way for Americans to prove their full commitment to Poland’s and this region’s safety is to move one of their large military installations from one of the old NATO members to Poland,” he said.

Mr. Obama arrived at a tense time in the region. Although Russia has been pulling troops back from the border with Ukraine, violence has continued to erupt in the eastern part of Ukraine as pro-Russian separatists wage a low-grade insurgency against the government in Kiev. Mr. Obama used the visit to insist that Russia stop the flow of militants and weapons across the border and use its influence to press the separatists to stand down.

Yet he also offered an olive branch of sorts. While repeating that “further Russian provocation will be met with further costs for Russia, including, if necessary, additional sanctions,” Mr. Obama held out the possibility of restoring relations if Moscow were to defuse the crisis.

“If in fact we can see some responsible behavior by the Russians over the next several months, then I think it is possible for us to try to rebuild some of the trust that’s been shattered during this past year,” he said. “But I think it is fair to say that rebuilding that trust will take quite some time. And in the meantime we are going to be prepared for any contingencies that may come up.”

Mr. Obama expects to encounter Mr. Putin for the first time since the showdown over Ukraine began. They will both travel to France this week for ceremonies marking the 70th anniversary of the D-Day landings. The leaders of France, Germany and Britain have all scheduled separate meetings with Mr. Putin. Mr. Obama has no such discussion arranged, but he will be at the same lunch at Normandy on Friday where they presumably will run into each other. “I’m sure I’ll see him,” Mr. Obama said. “He’s going to be there.”

The president’s main goal here in Warsaw was to reassure NATO allies that once were in the Soviet orbit that they could count on American support. In multiple public and private settings, he repeated his commitment to Article 5 of the NATO charter stating that an attack on any member was an attack on all.

Joined by Secretary of State John Kerry, Mr. Obama sat down not just with Polish leaders, but also with counterparts from Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania and Slovakia, all of whom traveled here hoping for American assistance.

Polish leaders welcomed Mr. Obama warmly and expressed appreciation for the proposed security program, which is called the “European reassurance initiative.” President Bronislaw Komorowski said, “We are on the same page fully,” and Prime Minister Donald Tusk praised the “very speedy and also very effective reaction of the United States to the Ukrainian crisis.”

Yet they also expressed polite anticipation that the latest initiative was not all Mr. Obama would do. Mr. Tusk said he took from Mr. Obama’s comments that this was “just another step and that this is not the end” of American help. Mr. Komorowski pressed for “the development of additional

NATO infrastructure that is a prerequisite for the possible effective reception of the reinforcement forces.”

Polish officials had hoped for something more tangible. In an interview before Mr. Obama’s arrival, Foreign Minister Radoslaw Sikorski argued for a permanent American military base. “There are major bases in Britain, in Spain, in Portugal, in Greece, in Italy,” he said. “Why not here?”

NATO and Russia signed an agreement in 1997 in which the western alliance said it did not intend “additional permanent stationing of substantial combat forces” in Eastern Europe. But Polish officials argued that Russia had effectively abrogated the agreement because it violated another provision barring “the threat or use of force” intended to violate the “sovereignty, territorial integrity or political independence” of its neighbors.

“Russia is testing the strength of the international system set up by the United States after World War II,” Mr. Sikorski said. “She tested it in Georgia, which was an implied ally of the United States. She has now tested it in Ukraine. And I don’t think we can discount the possibility that she will test it again. And therefore our security guarantees have to be credible, which is to say physically enforceable.”

Several Polish analysts said Mr. Obama’s plan did not meet that criteria. “The name is nice — a ‘reassurance plan’ — but \$1 billion is not enough to reassure both Poland and the entire region,” said Zbigniew Lewicki, professor of American studies at the University of Warsaw.

But Anders Fogh Rasmussen, the NATO secretary general, said Mr. Obama’s promise of a heftier American footprint in Europe was welcome. “The United States has reacted swiftly after Russia’s illegal military actions in Ukraine,” Mr. Rasmussen said at a meeting of NATO defense ministers in Brussels.

Joanna Berendt contributed reporting from Warsaw, and Helene Cooper from Brussels.

Hagel Prods Europeans To Pay Fair Share Of NATO Expenses

By Karen DeYoung

[Washington Post](#), June 4, 2014

BRUSSELS — President Obama’s announcement Tuesday of a new \$1 billion fund for military operations to reassure nervous eastern European allies was also part of an effort to pressure — or shame — the rest of Europe into paying their fair share of NATO expenses.

The U.S. appeal for increased allied defense spending is not a new one. A staple of NATO conferences, it has been made by successive administrations, to little avail.

But administration officials, from Obama on down, believe they have a potent new argument thanks to Russian actions, right at NATO’s doorstep, in Ukraine. The alliance, they argue, needs to return to first principles of defending

itself after two decades of operations far afield in the Balkans and Afghanistan.

“Many nations appear content for their defense spending to continue declining,” Defense Secretary Chuck Hagel told a meeting of NATO defense ministers here in pointed remarks designed to reinforce the message that Obama delivered simultaneously in Warsaw.

It was one thing for the United States to carry the bulk of the burden for an Afghan war that many Europeans did not support. But “if the American people do not see European nations stepping forward to invest in their own defense when their own security is threatened,” Hagel said, “we risk eroding U.S. support for the alliance.”

“As President Obama asks the United States Congress and the American people to support increased investment in European security, we are asking our European allies to do the same,” he said.

Only a handful of NATO members — including Poland and others in the east, and none of the major countries in Western Europe — currently meet their alliance pledge of devoting at least 2 percent of their gross domestic product to defense. Most have proposed spending less, rather than more, even as their economies recover from the global recession.

The new U.S. money proposed by Obama will cover a continuation, likely into next year, of temporary measures designed to intimidate Russia and convince eastern members that NATO has their back. It includes ongoing land, sea and air deployments, as well as the pre-positioning of additional resources closer to the Russian border and providing more aid to non-NATO members Ukraine and nearby Georgia.

But as NATO defense chiefs draw up plans to be considered at the next alliance summit, scheduled for September in Wales, they are considering whether Russia’s new aggression merits a long-term readjustment in their basic defense plans.

“For the last 20 years, we’ve been focused on operations outside of NATO states proper, starting with the Balkans,” and immediately heading into Afghanistan, said a senior U.S. diplomat here.

“Now, in 2014, we’re coming out of that intense and prolonged nonstop operational experience.” What NATO did not know until the last 90 days, the diplomat said, was that at the same time it was approaching a deadline for withdrawal of combat troops from Afghanistan by the end of this year, “it would be confronted with a reminder that collective defense [in Europe] would be front and center.”

The “conversation we’re only beginning to have today,” the diplomat said, is whether and how to fundamentally change NATO’s strategic posture vis-a-vis Russia. That relationship is now based on a 1997 NATO-Russia partnership agreement in which the West agreed it would it

would not have “substantial and permanent” troops and bases in Eastern Europe.

“It’s quite clear today that we have a different strategic setting” following Russia’s actions in Ukraine, the diplomat said. “Do we still have a partnership? Is the NATO-Russia [agreement] still viable?” Or should NATO be adapting to a fundamental change on its eastern flank, the diplomat asked.

“There’s a lot of space between nothing, and ‘substantial and permanent,’” the diplomat said.

Defense chiefs here are also discussing plans for NATO’s residual force in Afghanistan, following Obama’s announcement last week that the United States will leave 9,800 troops there to train Afghan security forces and conduct counterterrorism operations.

Under plans that have been awaiting the Afghan president’s signature on a U.S.-Afghan bilateral security agreement, as well as a status of forces agreement covering NATO and other non-alliance international troops, Germany, Italy and Turkey have agreed to stay on as “framework” countries in Afghanistan.

While Germany would maintain about 800 troops in Mazar-e Sharif in the north, along with additional troops from other countries, Italy would do the same in Herat in the west. The United States, in addition to maintaining its air and supply facilities at Bagram air base north of Kabul, would continue to base troops in Kandahar, in the south, and in an eastern location, probably Jalalabad.

Turkey would provide the primary troop presence in Kabul, forming the hub around which the others would be spokes in all four corners of the country.

The “framework” countries will have to determine whether they will cut their presence in half at the end of 2015, as the United States has said it will do, and where their troops would be based. Obama said last week that at the beginning of 2016, U.S. troops will remain only in Kabul and Bagram, presumably ending the American military presence in Kandahar and Jalalabad.

By the beginning of 2017, Obama said, all U.S. troops will be withdrawn, with the exception of a small military group based in Kabul under the direction of the U.S. ambassador.

Assuming that Afghanistan’s new president, to be elected in a June 14 runoff, agrees to sign the U.S. and NATO documents, final deployment decisions will be made at NATO’s September summit.

Obama Calls On European Allies To Boost Defence Spending

[AFP](#), June 4, 2014

Warsaw (AFP) – US President Barack Obama told European allies Tuesday they had a responsibility to boost defence spending in return for US protection amid new instability in Europe.

“We have seen a steady decline, that has to change,” Obama said, bemoaning cuts in military spending across Europe in an age of economic austerity.

Obama said that with a few exceptions, including Poland, European nations had not been pulling their weight in the alliance – a fact that was exposed by the East-West showdown over Ukraine.

“They expect full membership when it comes to their defence, that means they have also got to make a contribution that is commensurate with full membership,” Obama said at a press conference in Warsaw.

Obama said the NATO alliance was the “cornerstone” of US security.

“But we can’t do it alone,” he said.

“We have to make sure everybody who is a full member of NATO has full membership.”

Obama spoke at a press conference with Polish President Bronislaw Komorowski who announced that in recognition of the new security environment following Russia’s annexation of Crimea, his government would boost defence spending to 2.0 percent of GDP.

Obama Takes Fight Over Ukraine To A Europe That May Not Care

By Matthew Schofield

[McClatchy](#), June 3, 2014

BERLIN — If you want to know what the real western European view is of the Ukraine crisis, instead of looking for reaction to President Barack Obama’s strong words Tuesday in Warsaw, look at the recent elections that put anti-European Union nationalists into the EU Parliament.

Or look at European defense budgets that for decades have been acknowledged as inadequate to deal with any serious new threat. Experts point out that Russia’s invasion of Ukraine’s Black Sea peninsula of Crimea and its shadow invasion of Ukraine’s industrial east haven’t resulted in those budgets being bumped up.

Not only does that mean something, but it’s also a message that’s unlikely to have escaped the notice of Russian President Vladimir Putin.

“What’s been made very clear to everyone in this crisis is that in bringing about a solution, Europe has no tolerance for pain,” said Bobo Lo, a Russia expert at the British research center Chatham House, noting that Europe would shy away from deep sanctions against Russia that could hurt European economies, and would flee from any idea of military support.

“Putin knows Russia does have a tolerance for pain. This isn’t to say that Europe has completely given up on Ukraine, though Crimea is clearly Russian now and will remain so. But Europe has no stomach for a fight of any kind,” Lo said.

It was against that backdrop that Obama arrived in Warsaw on Tuesday and reassured Poland of the American commitment to Eastern Europe.

In his first comments in the region since the February invasion of Crimea, he pledged \$1 billion in increased military spending in the region. He talked about increasing the number of American troops in eastern Europe, and noted that a missile defense system for the region "is on track." He warned Russia against continuing on the expansionist path seen this spring in Ukraine.

"Further Russian provocation will be met with further costs for Russia, including, if necessary, additional sanctions," he said. "Russia has a responsibility to engage constructively with the Ukrainian government in Kiev, to prevent the flow of militants and weapons into eastern Ukraine."

But perhaps the most telling words he spoke weren't directed at Putin, but at NATO allies. "Every ally needs to carry their share and truly invest in the capabilities of the alliance that are needed for the future," he said.

Right now, there's consensus that western European allies are not carrying their share. NATO's guidelines call for each nation to commit to spending no less than 2 percent of its gross domestic product — a measure of the size of an economy — on defense. The United States more than doubles that investment. A World Bank compilation of military spending per nation shows it's pretty much alone among its allies.

The World Bank study shows that in 2012, the global average spent on military was about 2.4 percent of GDP. U.S. defense spending was calculated at 4.2 percent of GDP; Russia's, about 4.5 percent.

Of the 28 NATO members, only the United States and four others — France, Greece, Turkey and the United Kingdom — topped the 2 percent level. Estonia, Poland and Portugal were just shy at 1.9 percent, but most members were far below the NATO guidelines.

Germany, Canada, the Netherlands and Romania spent 1.3 percent of their GDP on defense. Iceland spent 0.1 percent and Spain spent 0.9 percent.

Polish President Bronisław Komorowski told Obama that his country would do more. "Poland intends to increase the defense budget of our armed forces," he said. "Poland is going to increase the funding of the modernization of the Polish armed forces up to the level of 2 percent of the GDP."

But experts note that in much of Europe, there's been no scramble to increase defense spending, even as signs continue that the Russian invasion of Ukraine is far from over. For example, Russian television stations now include the eastern section of Ukraine and Crimea on their weather maps.

"As much as Russia's renewed aggression has concerned Europeans — and it's easy to argue that it should

concern them far more than it should concern Americans, both because of proximity and economic ties — it's clear Europeans don't see this as an existential threat," said Stephen Long, an international security expert at the University of Richmond. "They're not going to carry any more of what would be their fair share."

In fact, the signs are to the contrary. While many who study Europe acknowledge that European Parliament elections are not a good reflection of much of what goes on in member nations, results such as those late last month do reflect a deep dissatisfaction with extra-national politics.

So-called Euro-skeptics from France, Germany, Greece, the Netherlands, Spain and the United Kingdom were all elected — some from the far left, others from the far right.

While they won't come close to controlling the European Parliament, their elections send a strong message that many Europeans are tired of taking responsibility or orders from the world outside their borders.

"It's needed right now, but there has never been any agreement on a single European security policy," Long said. "And this is not the mood that brings about that sort of change."

Obama Vows To Boost European Security To Counter Russia

By Julianna Goldman And Margaret Talev

[Bloomberg News](#), June 4, 2014

President Barack Obama arrived in Poland yesterday with a promise to meet Russia's aggression with U.S. military muscle while cracking the door open to a rapprochement with Russian leader Vladimir Putin.

Obama announced that he'll ask Congress for a \$1 billion fund to send military equipment to Europe and rotate more troops in the region as he started a trip designed to show a unified alliance responding to Russia's annexation of Crimea and instigation of unrest in eastern Ukraine.

Yet there were signals that Russia's withdrawal of troops from Ukraine's border and the successful election of a new government in Kiev may ease the worst confrontation between NATO and Russia since the end of the Cold War.

Leaders of three main U.S. European allies, German Chancellor Angela Merkel, British Prime Minister David Cameron and French President Francois Hollande, are planning separate meetings with Putin while all are in France for ceremonies marking the 70th anniversary of D-Day.

"If, in fact, we can see some responsible behavior by the Russians over the next several months, then I think it is possible for us to try to rebuild some of the trust that's been shattered during this past year," Obama, who's not scheduled to formally meet with Putin on the trip, said at a Warsaw news

conference. "But I think it is fair to say that rebuilding that trust will take quite some time."

Obama's strategy for his stops in Warsaw, Brussels and Paris this week is to emphasize the decision facing Putin: further economic isolation, if Russia continues to seek more control in Ukraine and other former Soviet satellites, or an easing of sanctions if he changes course.

"Mr. Putin has a choice to make," Obama said.

Obama said he hopes his European counterparts will relay that same message to Putin when they hold their meetings in France for the D-Day commemoration.

Those meetings also run the risk of undercutting the show of unity that Obama has sought to emphasize since the crisis in Ukraine began, said Heather Conley, director of the Europe Program at the Center for Strategic and International Studies in Washington.

"This signals the end of Vladimir Putin's isolation and does call into question exactly what approach Europe and the U.S. will take toward Russia in the future," Conley said. "This certainly will allow other international leaders to resume their relationship with President Putin as well."

Obama will have the opportunity to confer with his counterparts tonight and tomorrow before their individual summits with Putin.

He meets this morning with Ukraine's president-elect, Petro Poroshenko, before flying this afternoon to Brussels. There, he'll hold a working dinner with other members of the Group of Seven nations before a day of meetings tomorrow.

The G-7 session in Brussels originally was to have been a G-8 meeting in Sochi, Russia. To protest Putin's moves in Ukraine, Obama and the rest of the major economies in the group – Canada, France, Germany, Italy, Japan, the U.K. – suspended Russia's participation and relocated the forum.

Among the topics will be diversifying European energy supplies to lessen reliance on Russia – the world's largest oil producer and the provider of about 30 percent of Europe's natural gas – and increasing economic support for Ukraine.

The new defense fund would pay in the next year for military exercises, training missions and additional rotations of air and ground forces. The U.S. also plans more naval deployments in the Black Sea.

Even as he announced new commitments to Europe's security, Obama also called on North Atlantic Treaty Organization members to "step up," given a steady decline of defense spending in the region.

"That has to change," he said. "The United States is proud to bear its share of the defense of the transatlantic alliance; it is the cornerstone of our security, but we can't do it alone."

Polish President Bronislaw Komorowski said Poland would increase its defense spending to 2 percent of gross domestic product. He said his discussions with Obama

confirm U.S. security guarantees to Poland while "we're observing with anxiety Ukraine's crisis."

Poland was added to Obama's itinerary so he could take part in observances of the 25th anniversary of the election win by the Solidarity movement in Poland that brought the first non-Communist leader to power in the Eastern Bloc.

In keeping with Obama's theme of confronting Russia, last night's schedule included a meeting with central and eastern European leaders co-hosted by Komorowski.

Obama and Putin will cross paths at the June 6 ceremonies in Normandy. While the White House has said no formal talks are planned, the U.S. and Russian leaders are almost certain to encounter each other in a group setting.

"I'm sure I'll see him. He's going to be there," Obama said. "It's important for us to acknowledge the role that Russia played during World War II, and that's part of what Normandy's about."

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NATO Agrees To 'Readiness Action Plan' To Counter Russia

[AFP](#), June 4, 2014

Brussels (AFP) – NATO defence ministers agreed Tuesday series of steps to bolster protection in eastern Europe after the Ukraine crisis, but insisted they were acting within the limits of a key post-Cold War treaty with Moscow.

NATO head Anders Fogh Rasmussen said ministers had agreed to develop a "readiness action plan... to respond to the changed security environment" created by the escalating conflict in Ukraine.

This will include measures such as pre-positioning supplies and equipment in member states and stepping up work to improve military capabilities to help NATO speed up its reaction time to any threat.

The plan will go to NATO leaders at their September summit in Britain for approval.

The decision comes after Moscow's annexation of Crimea and support for pro-Russian separatists in the east of Ukraine has plunged East-West relations to their worst point since the end of the Cold War.

Russia's intervention in Ukraine and its annexation of Crimea mean it "is in blatant breach of the 1997 Founding Act," Rasmussen said.

The 1997 NATO-Russia Founding Act formalised post-Cold War borders in Europe and crucially said neither the West, led by the United States, nor Russia would deploy

forces or arms in the newly-freed east European countries in a threatening manner.

Both sides also agreed that neither should treat the other as an “adversary,” aiming to reduce the risk of future conflict.

Russia’s ambassador to NATO, Alexander Grush, said Monday that NATO’S temporary deployment of additional alliance planes and troops in member states such as Poland and the Baltic countries amounted to a breach of the treaty.

Some NATO member states, especially in central and eastern Europe, have expressed concern and surprise at Russia’s ability to mass 40,000 troops on the border with Ukraine very quickly and keep them there, ready for action, for some time.

Rasmussen said NATO had to take necessary measures for “as long as necessary” to counter a new threat.

He pointed out that Russia had increased defence spending by 50 percent over the last five years, while the allies have cut theirs by a fifth.

In this vein, he warmly welcomed President Barack Obama’s announcement of a \$1 billion US security plan for eastern Europe aimed at reassuring NATO allies and friends, who have been increasingly concerned by Russian actions.

Still, NATO and the West will stick with the treaty because they “want a rules-based security system” and “believe all the measures we are prepared to take can be taken within the existing” rules, Rasmussen said.

While taking a hard line on Moscow, he also rejected suggestions that the Ukraine crisis had sparked a new Cold War, saying there the deep ideological and global divide created by the conflict, which lasted nearly 50 years, had dissolved.

Russia now seems “quite isolated,” he said, but its more “assertive attitude... reminds of the old-fashioned Cold-War thinking.”

Obama’s European Solidarity

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Poll: Most Disapprove Of VA Handling

By Lucy Mccalmont

[Politico](#), June 3, 2014

While a majority of Americans disapprove of President Barack Obama’s handling of the Veterans Affairs scandal, the president’s overall approval rating has remained unchanged, a new poll shows.

Fifty-eight percent are dissatisfied with Obama’s handling of the scandal, which was met last week with the resignation of former VA Secretary Eric Shinseki. Only 37 percent approve of the president’s handling of the controversy, a CNN poll released Tuesday shows.

Nevertheless, Obama’s overall approval rating as president is at 43 percent with 55 percent saying they disapprove Obama’s handling of his job as president. Both figures are unchanged from CNN’s poll last month.

The CNN poll was conducted May 29-June 1 and surveyed 1,003 adults. It has a margin of error of plus or minus 3 percentage points.

VA Reform Could Face Senate Deadlock

By Burgess Everett And Jeremy Herb

[Politico](#), June 3, 2014

The Senate’s fix to veterans health care problems might be headed down a familiar path: Right into the chamber’s procedural chokehold.

There are already signs that Veterans Affairs Department reform could become the next victim of the Senate’s election-year legislative war over amendments votes. Those votes have killed popular tax break and energy efficiency bills in recent weeks and translated to a paucity of legislative votes since last summer.

On Tuesday, Senate Majority Leader Harry Reid (D-Nev.) posed an offer to Republicans: The Senate will vote on a version of a House-passed bill that seeks to allow the VA to clear out bad actors caught up in the health-care scandal. In return, Reid is demanding a vote on legislation devised by Sen. Bernie Sanders (I-Vt.) that would create 27 new VA health facilities, expand veterans access to health care at community centers and encourage the VA to hire more doctors and nurses.

But Reid wants to work quickly — and he seemed unenthusiastic about offering Republicans votes on amendments, which would include a roll call on an alternate proposal developed by GOP Sens. John McCain and Jeff Flake of Arizona, Richard Burr of North Carolina and Tom Coburn of Oklahoma.

“I don’t know when we will have all these amendments. Because there’s a trip going to Normandy — 10, 11, 12 senators going there Thursday afternoon,” Reid said. “We’ll do amendments if they’re willing to work a few extra days.”

Notably, Senate Republicans have not yet ruled out Reid’s offer. They began discussing it at a Tuesday caucus meeting and are likely to arrive at a decision during a Wednesday party lunch.

“That’s something that we’re going to have to talk about,” said Minority Whip John Cornyn (R-Texas). “If there’s one subject that ought to be bipartisan, it ought to be veterans.”

His Democratic counterpart was less enthusiastic. Asked if the procedural fight would rear its head even on the politically sensitive issue of caring for veterans when they return home, Senate Majority Whip Dick Durbin (D-Ill.) said: “Best bet is yes. And hope that you’re wrong.”

The GOP alternative would allow veterans to receive care from a non-VA provider if they can't be seen promptly or are more than 50 miles from a VA medical facility or community clinic.

The bill, called the "Veterans Choice Act," would also provide the head of the VA the ability to demote or fire VA executives like the House-passed bill that has been pushed in the Senate by Sen. Marco Rubio (R-Fla.).

McCain said if he can't get a vote on his alternative, there's little hope for the Sanders legislation. He said that bill is sure to fail without some sort of procedural agreement that allows a vote on the Republican proposal.

"Bring up the Sanders bill if you want to, and let us do amendments. We have our own proposal," McCain said. "How can I look veterans in the face and say: 'I just rubber stamped a bill that doesn't have the provisions in it that I think are vital?'"

An alternate path would be for Sanders and McCain to convene a group of lawmakers in both parties and hammer out a bill that could attract 60 votes, with or without amendments. McCain vowed to begin negotiations with Democrats on such a proposal on Tuesday afternoon — but there's a yawning gap between the two measures.

"Sen. McCain's bill doesn't address the underlying causes," Sanders told reporters Tuesday. "The problem is that there are VA facilities that don't have enough doctors ... we are going to give veterans the help need immediately. That means private doctors, that means community health centers, DOD health centers."

GOP Senators Say Management, Not Money, Is The Problem At VA

By Renee Schoof

[McClatchy](#), June 3, 2014

WASHINGTON — North Carolina Sen. Richard Burr and three Republican colleagues on Tuesday announced support for legislation they say would tackle the root causes of treatment delays at veterans medical facilities by giving former service members the option of choosing private health care.

Their measure would allow veterans unable to get an appointment in a timely way or who live more than 40 miles from a Department of Veterans Affairs facility to receive care from any doctor in Medicare or the military's TRICARE health program.

The legislation, which the Republican lawmakers unveiled at a press conference at the Capitol, also would establish penalties for VA workers who falsified data and would give the VA secretary the power to fire senior officials who performed their jobs poorly.

"This bill is very targeted," Burr, the ranking Republican on the Senate Veterans Affairs Committee, said at a news

conference. "It's focused specifically on fixing a short-term problem, which is how do we get veterans the care they deserve and allow the VA leadership to make systemic changes."

Meanwhile, in his first comments since taking over the agency last week, acting VA Secretary Sloan Gibson said that "not all veterans are getting access to the health care that they have earned." He pledged to make addressing the problems quickly the VA's top priority.

Gibson became acting secretary when Eric Shinseki resigned the top post at the VA following reports of treatment delays and other problems at VA hospitals across the country. Gibson said in a statement that "systemic problems in scheduling processes have been exacerbated by leadership failures and ethical lapses. . . . I will use all available authority to swiftly and decisively address issues of willful misconduct or mismanagement."

He also expressed appreciation of Shinseki on behalf of veterans, noting that they'd benefit from the transformation begun in the past five years under the retired four-star general's leadership.

No recent investigations have shown that the VA needs more money, Burr said. Since 2010, the agency has carried more than \$4.6 billion in its health care account, and this year it is estimated to carry over an additional \$450 million, he said, referring to funds that Congress appropriated but went unused.

Sen. John McCain, R-Ariz., said at the press conference that an alternative measure from independent Sen. Bernie Sanders of Vermont, chairman of the Senate Veterans Affairs Committee, would not address the "root causes of the current VA scandal." Sanders plans to hold a hearing Thursday on his bill to prepare it for a floor vote. In February, Republicans blocked an earlier version of Sanders' bill.

His latest version also would give the VA the authority to remove senior officials for poor job performance and give veterans who can't get timely appointments the option of going to military or private doctors. It would authorize the VA to lease 27 new health facilities and would provide funding to hire more doctors, nurses and other staff to make up for what Sanders says are shortages created at many VA facilities as more veterans enter the health system.

Sen. Tom Coburn, R-Okla., denied that a shortage exists. A physician, Coburn cited a 2012 report in the *Annals of Family Medicine* that he said showed that the average practitioner in a VA hospital sees half the number of patients that the average non-VA practitioner sees.

The study found the average U.S. primary care physician has about 2,300 patients. It cited another study that said the VA had a target of 1,200 patients per primary care physician, and added that that would be a reasonable load because the patient population in the VA is older and has

more chronic illnesses than the patient population seen by the average private physician.

Burr said that Congress doesn't have the data it would need to determine whether VA hospitals and clinics are understaffed, which the GOP bill would require the VA to provide. In addition, Congress should wait before making any additions to staffing until the VA inspector general's report on the long wait times is finished, Burr said, adding that lawmakers also probably should require an independent audit.

He also said that Republicans supported adding more VA outpatient clinics.

The bill he and the other Republican senators proposed was "not encompassing everything that Congress would like to pass as it relates to VA legislation, but it addresses the urgent things needed right now," Burr said.

The bill Sanders introduced also includes many other provisions for veterans, including more help to end backlogs in processing disability claims, in-state tuition rates for college costs for all veterans eligible for the Post 9/11 GI Bill, and restoration of a 1 percent cut in retirement cost-of-living adjustments for current military members.

Sanders on Monday told reporters he found it "distasteful that the Republicans now say this may be too expensive."

"Well you know, if it's too expensive to take care of veterans when they come home from war don't send them to war in the first place," he said. "This is a cost of war."

McCain Veterans' Health Plan Aimed At Reducing Wait Times

By Michael C. Bender

[Bloomberg News](#), June 4, 2014

Veterans would avoid long waits for medical care under a plan offered by Senator John McCain and other Republicans after reports of widespread delays for appointments at veterans' hospitals.

The proposal outlined today by McCain contrasts with a plan backed by Majority Leader Harry Reid, a Nevada Democrat, in which veterans' hospitals would receive \$2 billion in emergency funds to hire doctors and nurses. The Democratic plan would authorize leases for nearly 30 new medical facilities.

"The American people are deeply angered and are demanding that we make changes to fix this problem," McCain, an Arizona Republican, said at a news conference today in Washington.

Veterans' health care is a front-and-center issue in Congress after an investigation found systemic mismanagement, treatment delays and falsified records throughout hospitals that treat 8.3 million veterans. Veterans Affairs Secretary Eric Shinseki resigned last week, and the

issue is being used in campaign ads before the November congressional elections.

McCain said he plans to meet with Vermont independent Senator Bernie Sanders, author of the plan backed by Reid, prior to a Veterans Affairs Committee hearing scheduled for June 5 on the proposal.

Reid said today that he hoped Republicans would agree to hold a vote on Sanders's plan this week. McCain, though, said Republicans would want to offer amendments.

Sanders, chairman of the Veterans Affairs panel, proposes making it easier to remove senior VA officials, allowing the VA to lease 27 new medical facilities in 18 states and Puerto Rico, and authorizing emergency funds to hire doctors and nurses, according to a summary of the bill.

"We should pass Senator Sanders's bill as soon as possible," Reid said yesterday on the floor of the U.S. Senate.

McCain presented Republicans' alternative along with Senators Tom Coburn of Oklahoma and Richard Burr of North Carolina, the top Republican on the Senate veterans' affairs panel.

Their plan would give veterans a "choice" card allowing them to receive care from non-VA providers under certain circumstances.

"This legislation addresses the root causes of current VA scandal and empowers veterans with greater flexibility to get the quality medical care that he or she deserves," McCain said.

It would let veterans seek non-VA care if staff can't schedule a medical appointment within the agency's time goals. Veterans could use the card if they live more than 40 miles from a VA medical center or outpatient clinic.

"There's plenty of money to do this," Coburn said. "Money isn't the problem."

The Republican proposal would give the VA secretary authority to demote or fire senior executives based on performance, and would remove scheduling and wait times as factors for determining employee awards or bonuses.

An inspector general's report on May 28 said some VA hospitals kept phony waiting lists to hide delays in treating veterans.

Shinseki resigned on May 30 after delivering an internal report that showed almost two-thirds of VA medical facilities manipulated appointment times for veterans to hide long waits. President Barack Obama accepted Shinseki's resignation after lawmakers of both parties called for his ouster.

Obama said the Veterans Health Administration, which spends \$160 billion annually, needs a new information system and may need more doctors and nurses.

VA Deputy Secretary Sloan Gibson took over on an interim basis. White House Deputy Chief of Staff Rob Nabors remains on temporary assignment to the VA to assist with the transition and complete his review, Obama said.

In the House of Representatives, Veterans Affairs Committee Chairman Jeff Miller, a Florida Republican, said he's drafting legislation that would require care be offered outside the VA system to veterans who waited at least 30 days for a medical appointment.

House Speaker John Boehner, an Ohio Republican, and Minority Leader Nancy Pelosi, a California Democrat, are backing the plan.

House Republicans are promoting nine veterans-related bills that have passed in recent months and await Senate action. Those include a proposal to make it easier to dismiss VA officials for misconduct and another that would freeze bonuses for senior VA officials through the 2018 fiscal year.

Campaign groups for both parties are focusing on the issue.

The Democratic Senatorial Campaign Committee and Democratic Congressional Campaign Committee are targeting Republican candidates for voting against increased spending for the VA.

Two groups that support Republican candidates, Crossroads GPS and Concerned Veterans for America, are airing online and television ads aimed at Democratic senators seeking re-election.

VoteVets.org, a Portland, Oregon-based group that backs mostly Democratic candidates, said today it would run full-page newspaper ads aimed at Burr in North Carolina and Senate Minority Leader Mitch McConnell in Kentucky saying the lawmakers are "standing in the way of better care for veterans."

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Republicans Offer Alternative VA Health Care Bill

By Matthew Daly

[Associated Press](#), June 4, 2014

WASHINGTON (AP) – A bill proposed by four Senate Republicans would give veterans more flexibility to see a private doctor if they are forced to wait too long for an appointment at a Veterans Affairs hospital or clinic.

Arizona Sen. John McCain and three other GOP senators introduced the bill Tuesday, the latest response in Congress to a furor over patient delays and cover-ups at VA health facilities nationwide.

A federal investigation into the troubled Phoenix VA Health Care System found that about 1,700 veterans in need of care were "at risk of being lost or forgotten" after being kept off an electronic waiting list. The investigation also found broad and deep-seated problems throughout the sprawling

health care system, which provides medical care to about 6.5 million veterans annually.

A document released Tuesday by Sens. Pat Roberts and Jerry Moran, both Kansas Republicans, showed that at least 108 veterans waited more than 90 days for appointments with a primary care doctor at nine hospitals and 51 outpatient clinics in Kansas, Missouri and parts of four other states: Illinois, Indiana, Kentucky and Arkansas.

A bill being crafted by the Republican chairman of the House Veterans Affairs Committee would require the VA to offer outside care to veterans who cannot be seen within 30 days. And the Senate Veterans Affairs Committee's chairman, an independent, has proposed a bill to pay for veterans' appointments at community health centers and military hospitals or with private doctors if they cannot get a timely appointment at a VA facility.

Meanwhile, Rep. Jeff Miller, R-Fla., chairman of the House panel, asked acting VA Secretary Sloan Gibson on Tuesday to respond within a week to a month-old subpoena demanding documents related to an investigation of alleged falsified records and other problems that have surfaced in the past six weeks across the 1,700-facility VA health care system.

Miller said is frustrated by the "stonewalling" to his request by the department under former Secretary Eric Shinseki, who resigned under fire last Friday.

"Right now, Secretary Gibson has a chance to begin to repair the reputation of a department that has gained notoriety for its secrecy and duplicity with the public and indifference to the constitutionally mandated oversight responsibilities of Congress," Miller said.

A career banker, the 61-year-old Gibson had served as deputy VA secretary since February. He came to the department after serving as president and chief executive of the USO, the nonprofit organization that provides programs, services and entertainment to U.S. troops and their families.

McCain and the other GOP senators said their bill would make it easier for veterans to get care. It would direct all 150 VA hospitals to publish on their websites the current wait time for an appointment and require the VA to establish a public database of patient safety, quality of care and outcomes at each hospital.

Veterans who can't get a VA appointment within 30 days or who live at least 40 miles from a VA clinic or hospital could go to any doctor who participates in Medicare or the military's TRICARE program. The bill is co-sponsored by Republican Sens. Jeff Flake of Arizona, Tom Coburn of Oklahoma and Richard Burr of North Carolina. Burr is the senior Republican on the veterans panel.

"I've always believed that veterans could choose and should choose" their doctors, McCain said. He added that he first proposed private care for veterans during his 2008

presidential bid. "Give these veterans a choice card so they can present it to the health care provider," he said Tuesday.

Sen. Bernie Sanders, I-Vt., chairman of the Senate Veterans Affairs Committee, proposed legislation this week that would allow veterans who can't get timely appointments with VA doctors to go to community health centers, military hospitals or private doctors. The bill also would authorize the VA to lease 27 new health facilities in 18 states and give the VA secretary authority to remove senior executives within 30 days of being fired for poor job performance, eliminating lengthy appeals.

The House passed a similar bill last month, but Sanders said he worried that version would allow "wholesale political firings" and even dismissal of whistleblowers.

Associated Press writer John Milburn in Topeka, Kansas, contributed to this report.

Follow Matthew Daly:
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Senate Democrats Failed To Act On Republican VA Concerns Prior To VA Scandal

By Patrick Howley

[Daily Caller](#), June 3, 2014

The Democratic-led Senate Committee on Veterans Affairs failed to hold sufficient oversight hearings into problems at the Department of Veterans Affairs despite Republican demands dating back more than a year to do so.

The VA, moreover, failed to provide the committee with information necessary to address problems, congressional insiders say.

The committee, chaired by independent Vermont Sen. Bernie Sanders, who caucuses with the Democratic Senate majority, held only seven oversight hearings to address problems, three legislative hearings to discuss new bills, and two markups to rewrite legislation in the 113th Congress that began in January 2013.

The committee's lack of initiative angered Republicans on the committee, who wanted to address health-care issues like the kind that led to secret waiting lists and preventable veteran deaths at the Phoenix, Arizona VA Medical Center.

Scheduling problems previously highlighted by committee members were not addressed during Sanders' chairmanship prior to the Phoenix scandal that recently led to international headlines.

At the beginning of the 113th Congress, GOP minority staff provided Sanders' staff with a list of hearing topics that it wanted oversight hearings on. Sanders' staff said they would pass it on to Sanders. The oversight hearings based on the GOP recommendations never occurred.

Republican Sen. Jerry Moran, for instance, during the fiscal year budget hearing convened in March 2014, specifically requested an oversight hearing on retention and recruitment of VA doctors, which is a problem in Kansas, but the hearing was never convened. Other Republicans specifically requested hearings from Sanders that never happened, the insiders say.

"How many Inspector General, Special Counsel, GAO, and Medical Inspector reports does it take to spur outrage and prompt action?" Republican North Carolina Sen. Richard Burr, a member of the committee's GOP minority, told *The Daily Caller*. "The VA is in desperate need of oversight and it is our job — as the President mentioned in his statement last week — to provide it for VA. We will take steps if our request is not met."

Each of the relatively few hearings the committee held this Congress were overfilled with issues, with copious amounts of backlogged issues on the agenda.

The legislative hearings had 94 total health-care bills on the agenda for the Committee to address in a short period of time. The first legislative hearing occurred in May 2013 and there were 20 health-care bills on the agenda. The June legislative hearing had 38 benefits related bills to slog through. The July markup had eight bills on the agenda. The October legislative hearing had 36 health and benefits related bills to get through. The November markup had six bills. Those six bills at the November markup were voted to be reported out of committee, but the majority never did so.

During the November markup, there were only two bills that received no Republican support, but action from the Democratic majority was still lacking.

The VA did not provide sufficient views or cost estimates, not allowing members to consider these bills with a complete picture of how the legislation would impact the Department or whether there would be any unintended consequences, according to insiders.

In a February 2014 floor debate, Sanders offered S. 1982 which contained numerous provisions from two previous markups, including provisions to expand caregiver eligibility and to expand VA eligibility to Priority 8 veterans that have incomes above the VA income threshold who agreed to shoulder the cost of a copay. But during the debate, the committee did not have cost estimates from VA or the Majority for Sanders' provisions and did not understand the potential consequences of the provisions. The caregiver program, signed into law in 2010, has not yet been fully implemented and has been inconsistently implemented in regions across the country.

During the legislative and markup hearing, VA provided some views and estimates, according to insiders, but not a full picture. After the hearing, VA provided additional views.

Despite the inaction of the current committee majority led by Sanders, the previous Democratic Committee chairman Sen. Patty Murray took VA issues, including scheduling problems, more seriously.

Murray, who expressed her frustration with the current VA scandal, previously had numerous mental health hearings when she was chairman between 2011 and 2013 and the issue of wait times came up in testimony. Murray and Burr requested an IG investigation into wait times at VA mental health services in 2011, and sent a follow up letter in 2012 to VA regarding the scheduling system in 2012.

Sanders' office declined to comment.

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Many Ideas, But Few Names For VA Pick

By Philip Ewing And Jeremy Herb

[Politico](#), June 3, 2014

Veterans' advocates and lawmakers won't name their picks for the next Veterans Affairs secretary — but that's about the only thing they won't say about the department's future.

Veterans service organizations have long lists of ways they think the VA must reform and the kinds of skills needed to run it. Their positions are as different as the veterans they represent, but they all agree on one thing.

"Urgency," said retired Vice Adm. Norb Ryan, president of the Military Officers Association of America. "This is an agency that's in crisis."

Whether President Barack Obama decides to stick with acting VA Secretary Sloan Gibson, whom Obama elevated after former secretary Eric Shinseki resigned last week, or he picks another nominee, "the sooner you get a new leader in there, the leader becomes the one that sets the standards, sets the expectations," Ryan said.

But Ryan declined to name names. "We think that's the business of the president and his staff," he said.

Other VSOs, including Iraq and Afghanistan Veterans of America and Vietnam Veterans of America, have taken a similar tack. Obama has the privilege — and the responsibility — to choose who he wants to run VA, they say, but as soon as that person is in place, there's plenty for him or her to do.

Senators, who will have to confirm Obama's pick to be the next VA secretary, also aren't tossing out many names. In some cases, that's to protect the process.

When Senate Veterans' Affairs Committee Chairman Bernie Sanders (I-Vt.) was asked if he had a new secretary in mind, he told reporters, "Yeah, I do, but the day I made it public, that person — you'd be calling them up."

Like others, he preferred to discuss the qualities he'd like to see.

"Clearly, there has to be somebody who has a fierce concern about the needs of veterans, and the understanding that veterans must get excellent quality health care in a timely manner and get the benefits they deserve," he said. "Somebody's going to have to have strong administrative capabilities and strong knowledge about health care."

Sen. Johnny Isakson (R-Ga.), who sits on the VA Committee, said he wants someone who will shun "yes-men" and is capable of managing a large and complex organization.

"I ran a pretty large company, but it was nowhere close to 340,000 employees," said Isakson, who previously headed a real estate company. "The biggest thing the VA is missing is any attention to compliance and accountability within the rank and file. You've got a culture of corruption in terms of reporting figures that has to be ended."

As for a name?

"I have some idea about what the qualifications need to be and somebody who might be qualified, but I wouldn't talk about it right now," Isakson said. "It wouldn't be fair to them to talk about them without having a commitment one way or the other."

Sen. John McCain (R-Ariz.) generated headlines when he said Republican Sen. Tom Coburn of Oklahoma is his preferred nominee — which, Coburn responded, was as likely as "Sen. McCain being the new press person for the Obama administration."

"I think he's angry that I [suggested him]," McCain said Monday.

McCain said he recommended Coburn because he's the kind of reformer needed to clean up the VA's sprawling bureaucracy.

"It needs badly, first of all a reformer, then, someone with a medical background," he said. "The military side is not the most important."

Still, one senator was willing to throw out a name for her pick.

"A person that I'm intrigued by is a Dr. John Rowe," Sen. Susan Collins (R-Maine) told POLITICO. Rowe, who retired as chairman and chief executive of health care company Aetna in 2006, is now a professor at the Columbia University Mailman School of Public Health.

"He was a VA doctor at one point, he had a high-ranking position at Aetna and straightened out a lot of problems there," Collins said. "I do not know him personally, but he has a reputation as someone who can turn around an organization that needs help. And I like the fact that he's a physician by training and has been in the system and the private sector."

Reached by phone Tuesday, Rowe said he "hadn't given it any thought."

"It'd be a great honor, but this is the first I've heard of the idea," Rowe said, adding that he had not spoken with Collins.

Even as lawmakers mull candidates, veterans service organizations are putting together a long to-do list for the next VA secretary. VVA has called for Obama to order National Guard units to VA facilities around the country in a kind of domestic surge that it says would help get control of the backlog of veterans waiting for medical care. IAVA and other groups want a criminal investigation into the department officials who allegedly kept secret lists and took other steps to disguise the backlog.

And nearly all the VSOs want Congress to get moving on legislation they say would help get control of veterans' suicide, give VA more ability to fire poor performers and, critically, overhaul VA itself.

MOAA's Ryan said that perhaps the most important qualification for a new VA secretary is a good relationship with members of Congress in both parties. The VA under Shinseki, he acknowledged, did not.

"Whoever it is, they've got to be very skilled at working with both sides of the aisle in Congress — this is something I continually see break down, this lack of trust with the Congress, not responding to their concerns, not addressing their concerns in a timely manner," Ryan said. "I don't know if it is structural, political or whatever, but the person that comes in has got to be able to work with, and develop trust and confidence, on both sides of the aisle. Be frank with the committees, be open and responsive with the committees — and that takes a skill set."

For his part, Gibson, the acting secretary, has vowed to work with VSOs, Congress and VA employees to make immediate improvements.

"Not all veterans are getting the timely access to the healthcare that they have earned," he said in a statement Tuesday. "Systemic problems in scheduling processes have been exacerbated by leadership failures and ethical lapses. I will use all available authority to swiftly and decisively address issues of willful misconduct or mismanagement."

White House Considering Cleveland Clinic Head For VA Secretary Post

Administration Weighs Leader of One of Nation's Top Hospital Systems and Decorated Vet to Run VA

By Damian Paletta, Christopher Weaver And Janet Adamy

[Wall Street Journal](#), June 3, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Obama Keeps Foot On The Gas For Health Care Enrollment

By Sam Stein

[Huffington Post](#), June 3, 2014

WASHINGTON — As President Barack Obama took to the podium on April 17 to announce that eight million people had signed up for private health coverage through the Affordable Care Act, a sense of finality hit the White House briefing room.

Six and a half months had passed since the start of Obamacare's implementation. A technological crisis had produced a political one. And the experience that followed had been both emotionally draining and professionally vexing. That it ended with the administration exceeding expectations made it seem like the ideal time to stop and take a breath — and perhaps even celebrate. A few days later, the White House's health care team did just that over drinks and snacks.

But for others inside the administration, the end of the open enrollment period in mid-April provided no break at all. If anything, the race to get Americans health care coverage had just begun.

"Outreach is never over," said Marlon Marshall, the deputy director of the White House office of Public Engagement. "We've always continued."

In practical terms, Marshall, 34, is the White House official most responsible for convincing people without health insurance that coverage under Obamacare is right for them. And between now and mid-November, when open enrollment is set to begin again, there are many more people he is hoping to reach.

Special enrollment remains ongoing and, as with other elements of the health care law, many of those eligible for coverage don't understand all the details. Medicaid and the Children's Health Insurance Program (CHIP) remain available to everyone eligible throughout the year. But people can also enroll if they've had a "qualifying life event" — meaning they've gotten married or divorced, had a baby, adopted a child, placed a child up for adoption, moved residences, gained citizenship, left incarceration, graduated from college or lost their health coverage. In most cases, once such an event occurs, a person has a 60-day window to get coverage.

Targeting these individuals is critical for Obamacare's success. And so, as the political world's interest in the law begins to fade from its obsessive-compulsive heights, Marshall remains unflinchingly attentive.

"This is an educational process," he said. "This is a big decision. People want a chance to research their options, have a conversation, talk to their families about it. Why would we just start that process in November, and say, 'Now we're open again, check everything out?' We have all summer to actually get out there and reach out to people and let them know about their options."

The Congressional Budget Office originally estimated that 8 million people would sign up for private insurance plans

via the exchanges during the calendar year of 2014, a goal the administration has already hit. But if you want a formal accounting of how many people sign up for insurance during the special enrollment period alone, good luck. Monthly enrollment numbers won't be made available between now and November. Asked why, Marshall would only say that there isn't enough incoming information about who is signing up for plans – an odd explanation for a self-professed data-driven White House.

But it's widely acknowledged that many people will see their insurance needs change during the special enrollment period, especially given the still-soft economy.

"People's connection to health insurance changes throughout the year, always has, always will," said Karen Pollitz, a senior fellow at the Kaiser Family Foundation. "People are constantly getting detached from or reconnected to health insurance throughout the year."

An analysis in Health Affairs magazine that ran at the end of November noted that "as many people will become newly eligible for Marketplace coverage over the course of 2014 as are currently eligible." In Minnesota, for example, officials say that they have averaged 1,100 new enrollees every day during the special enrollment period – the same numbers the state saw during open enrollment.

The White House and allied outside groups haven't taken their foot off the gas. The Centers for Medicare and Medicaid Services has launched Connecting Kids to Coverage, a national campaign that aims to boost enrollment in Medicaid and CHIP. A CMS official told The Huffington Post that "a spring wave of targeted outreach" began in May and will continue through August. Currently, CMS is spending \$375,000 on digital outreach efforts for the campaign.

That's a small amount of the roughly \$14 million outreach budget CMS has. And it doesn't even touch enrollment in private coverage. And so administration officials are using other means to sell Obamacare more broadly. At commencement addresses, for example, they have been keen to mention that graduation counts as a qualifying life event. They've also worked closely with student body presidents to spread the word to graduating students.

New rules have also been instituted to make people in the workforce aware of health care options. One of the changes that will do the most to facilitate coverage, Marshall argued, is that companies will soon have to mention the availability of Obamacare on notices given to workers about COBRA eligibility. Reports already indicate that this change is having an effect.

On the communications front, various efforts have been made to emphasize the availability of financial assistance for people whose income puts them less than 400 percent above the poverty line. This remains one of the least understood elements of the law, Marshall explained, and consequently,

the perception that health care is unaffordable is one of the biggest impediments to convincing people to enroll.

The White House has also become convinced that an increase in radio appearances will help sell Obamacare. During open enrollment, administration officials would do interviews with local programs or syndicated shows, often hitting a market 10 to 12 times and advertising enrollment forums. Going forward, Marshall stressed, the medium would continue to be used heavily.

But old tricks need to be updated if you want to reach new audiences. And with a limited ad budget, the White House is looking for "earned media" opportunities too, like the president's appearance on "Between Two Ferns," an online comedy series hosted by Zach Galifianakis. Obama promoted the health care law during the interview, which sparked a wave of press coverage.

"We've got to think of new, creative ways to help get the word out," Marshall added. "From here, we can help do what we can to create earned media. The more we can do up here to help raise awareness, it helps their work on the ground, and vice versa."

To coordinate the on-the-ground component, the administration has been participating in biweekly meetings with health care reform groups. One of them, Enroll America, currently has more than 230 staffers across the country, which is just slightly below the 250 it employed at the end of open enrollment. The group has maintained a robust volunteer presence as well. For a Weekend of Action planned for the end of June, the group has registered more than 1,000 volunteer shifts and scheduled just under 400 events. They had averaged the same number of events during weekends in March with about twice as many volunteers.

There are two reasons Enroll America hasn't wound down more during the special enrollment period, said the group's president, Anne Filipic: to avoid having to train new officials when the next open enrollment period starts, and because it sees ample opportunity to run up the number of insured people in the meantime.

The group is currently operating programs across the country targeting people going through qualifying life events. In Maricopa, Arizona, it is working with probation officers to reach those being released from prison. In western North Carolina, representatives are going to maternity wards in local hospitals, handing out fliers to new mothers. In southern Texas, they are a presence at naturalization ceremonies. And at community colleges nationwide, they have been hosting enrollment fairs.

"We recognized the important role of trusted messengers. People start the process really skeptical... and the way to overcome that is to get someone they trust to talk to them about it," Filipic said. "Probably the most important thing we did is to not sit in D.C. and tell local organizers what was best in their communities."

Perhaps the best reason for continuing outreach efforts during special enrollment period, Filipic argued, is that doing so lays the groundwork for when open enrollment starts again. The predominant lesson learned over this past half-year was that selling insurance is a slog. If you want to close the deal, often it requires a profound amount of education and multiple conversations. So why not start months in advance?

"It's not like we can just have someone do one event and leave, and that's the thing," Marshall said. "We just have to be repetitive."

The Billion-dollar Risk Hidden In The Federal Budget

By Editorial Board

[Washington Post](#), June 4, 2014

CONGRESS HAS many ways to achieve its many purposes. The transparent way is to enact a program and pay for it annually out of general revenues or borrowing. The politically easier but less transparent method is to go "off-budget," via government loans and credit guarantees. Guess which lawmakers prefer? That's why the U.S. government has built a multitrillion-dollar portfolio, consisting of everything from mortgage guarantees to student loans.

At least the Federal Credit Reform Act of 1990 requires the budget to record the "present value" of the projected lifetime cost of each year's new lending. It's an estimate, of course, but it does remind Congress that it can't raise ordinary spending or cut taxes as if its credit programs posed no risk. For years, officials insisted the Federal Housing Administration would never need a bailout despite the brutal home price collapse; in 2013, the FHA absorbed \$1.7 billion from the treasury.

Still, the 1990 law may not impose enough discipline, as the latest Congressional Budget Office report on federal credit programs shows. The CBO examined three of the biggest ones — student loans, the FHA and the Export-Import Bank. For each, the CBO calculated cash flow for the next decade — interest and principal payments, fees, expected defaults — and then calculated what those dollars would be worth today, based on a notional interest rate known as the discount rate. All three will make money for Uncle Sam between 2015 and 2024, the CBO concluded. However, when the agency ran the numbers using "fair-value" accounting — i.e., using a higher interest rate more reflective of the real-world risks assumed by the government — it found that all three programs will require big, implicit subsidies: \$14 billion over 10 years for the Export-Import Bank, \$63 billion for the FHA and \$135 billion for student loans.

Alas, the law requires the budget to reflect the rosier of these scenarios. The policy rationale is that government, unlike banks, is relatively indifferent to credit risk; its social priorities, such as educating the populace and promoting

homeownership, override getting every last dime back for the taxpayers. If you forced Congress to account for the market risks of its portfolio, that would limit its ability to spend on other worthy purposes.

To us, such arguments tend to confirm that government credit programs can be a way to evade budgetary discipline. It's not self-evident that government should be indifferent to risk on behalf of taxpayers, since not all taxpayers benefit equally, if at all, from the credit programs.

The point isn't that Congress should get rid of student loans, much less any other particular program; it is that the past few years have taught us that credit of all kinds is riskier than it may appear. Whatever decisions the government makes, its books should reflect their actual costs fully and realistically.

Read more about this issue: Atif Mian and Amir Sufi: Student borrowers assume too much risk Katrina vanden Heuvel: Elizabeth Warren's needed call for student loan reform The Post's View: Does the U.S. deserve its world-class credit rating? The Post's View: The left scuttles a viable alternative to Fannie and Freddie

Senate Democrats Give EPA Rule Mixed Reviews

By Humberto Sanchez

[Roll Call](#), June 3, 2014

Senate Democrats from energy-producing states blasted the Environmental Protection Agency's proposal to rein in carbon emissions from power plants — but most of the party fell in line behind President Barack Obama's biggest second-term domestic initiative.

"While it is important to reduce carbon in the atmosphere, this should not be achieved by EPA regulations," Sen. Mary L. Landrieu, D-La., said in a release. "Congress should set the terms, goals and timeframe."

Landrieu, who is in a tough re-election campaign, said she has long opposed taking on the issue through EPA regulation and stressed that she was a "key vote" that helped block efforts to establish a cap-and-trade system in 2010.

"Greater use of natural gas and stronger efficiency measures adopted by the industry have already helped us reduce carbon emissions to their lowest levels in 20 years, and this should continue," Landrieu said. "I will work with leaders of both parties to build on the progress we have already made."

Asked if Obama is concerned about political problems the rule could pose for coal-state Democrats, White House Press Secretary Jay Carney said, "The president thinks this is the right thing to do and it is consistent with actions taken to reduce pollution caused by lead or mercury, caused by arsenic."

Sen. Joe Manchin III, D-W.Va., who famously shot the cap-and-trade bill in a TV ad in 2010, also criticized the proposed rule.

"There is no doubt that seven billion people have had an impact on our world's climate; however, the proposed EPA rule does little to address the global problem with global solutions," Manchin said in a statement. "Instead, today's rule appears to be more about desirability rather than reliability or feasibility, with little regard for rising consumer prices, the effects on jobs and the impact on the reliability of our electric grid."

Manchin noted that experts, including those at the White House, expect coal to provide nearly a third of our electricity through 2040.

"The EPA has proposed rules that are not based on any existing technology that has been proven on a commercial scale," Manchin contended.

Sen. Heidi Heitkamp, D-N.D., was also cautious in her response, saying she is still looking at the rule.

"Today, coal produces 40 percent of the electricity in the U.S., and nearly 80 percent of the electricity in North Dakota," Heitkamp said, "I'm still reviewing this extensive rule to determine the impact on the U.S. and North Dakota. We need policies that support coal — defending jobs, keeping energy costs low, and maintaining reliability in our electric grid — and that also help develop technology that is not yet widely available to reduce emissions."

Sen. Mark Begich, D-Alaska, one of a group of vulnerable Democrats, kept a watchful tone.

"Today's announcement from the Administration is the first step in a long process that I will be closely monitoring to determine any impact on Alaska — especially for consumers," Begich said in a release. "Alaska is ground zero for climate change and there are common sense approaches to dealing with that reality, but we must protect consumers along the way."

The draft proposal is subjected to a 120-day public comment period and will not be finalized until at least June 2015, noted Begich, who is also in a tight re-election race.

"From the initial review of materials released today, this rule exempts all of rural Alaska, but could impact a handful of Railbelt power plants," Begich continued. "I will work closely with both the EPA and the State of Alaska to ensure that any final rule is flexible and protects Alaska businesses and families."

Sen. Sherrod Brown, a Democrat who represents manufacturing-heavy Ohio, stressed that states need flexibility to address carbon emissions and climate change.

"Proposals to reduce climate change must give states the flexibility to increase energy efficiency, improve our air quality, and invest in clean energy technology at our power plants, homes, and businesses," Brown said in an email from his office. "Ohio has already made strides in reducing carbon

pollution thanks to fuel efficient cars, natural gas production, renewable energy, and highly efficient manufacturing facilities. I will closely follow this issue and work with industry and environmental leaders to ensure the final rule improves air quality while promoting continued economic growth."

Sen. Mark Udall, D-Colo., another vulnerable Democrat, the rule was a "good start" and noted that Colorado has already taken steps to address the issue, including utilizing wind, solar and natural gas.

"Coloradans also have led the nation over the past decade in confronting this challenge and showing how we can reduce carbon emissions, protect our land, water and air, and strengthen our economy," Udall said in a statement. "The EPA's draft rule is a good start, and I will fight to ensure it complements the work we have already done in Colorado and provides states the flexibility they need to make it successful."

Udall is in a re-election fight against Rep. Cory Gardner, R-Colo.

Meanwhile, most Senate Democrats embraced the EPA's proposal, including Senate Majority Leader Harry Reid, D-Nev., who has long been critical of emissions from coal-fired power plants.

"The EPA's proposed plan is a crucial step towards improving the efficiency of our nation's power grid, investing in clean energy and reducing pollution," Reid said. "The proposal grants states flexibility while making important progress on avoiding the terrible costs of carbon pollution on our nation's economy, the health of our citizens, and the sustainability of our planet."

Republicans were critical of the proposal and Senate Minority Leader Mitch McConnell, R-Ky., who is also up for re-election, has promised to try and block the rule.

"By imposing these draconian new rules on the nation's coal industry, President Obama and every other liberal lawmaker in Washington who quietly supports them is also picking regional favorites, helping their political supporters in states like California and New York while inflicting acute pain on states like Kentucky," McConnell said. "The impact on individuals and families and entire regions of the country will be catastrophic, as a proud domestic industry is decimated — and many of its jobs shipped overseas."

McConnell has sought to make the "war on coal" an issue against his opponent, Alison Lundergan Grimes.

It was reported by various outlet that she has a fundraiser with Reid scheduled for Thursday morning in Washington, which prompted tweets over the fact that Reid is a coal critic, including this one from longtime Nevada political journalist Jon Ralston:

Stranded Carbon Democrats

Obama's new EPA rule hits some states much harder than others.

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

EPA Head Says Significant Changes Possible In Carbon Plan

By Mark Drajem

[Bloomberg News](#), June 4, 2014

The Obama administration will revise its proposal to fight climate change in the next year if individual states show they can't meet the targets, the head of the Environmental Protection Agency said.

Gina McCarthy, administrator of the agency that wrote the proposal issued yesterday, said she expects "significant" revisions in the state emission goals before a final rule is issued next year.

"I put out a proposal that I believe will allow everybody to get at a table and roll their sleeves up," McCarthy told Bloomberg reporters and editors today in Washington. The agency now anticipates "a lot of give and take with the states."

In the boldest single effort by the U.S. to tackle climate change, President Barack Obama's administration proposed state-by-state targets to be achieved by 2030 that would reduce carbon dioxide emissions by an average 17 percent from current levels.

Once the standards are finalized next June, the individual states must come up with plans for how to make those cuts. They can do so by mixing and matching policies such as running more natural gas instead of coal or pursuing energy efficiency.

McCarthy said the agency made changes when developing its rules on mercury pollution in 2011 after utilities complained, and, "I wouldn't be surprised if we made significant" revisions to the carbon proposal.

States face wide variations in the cuts demanded of them under this plan. Texas alone will account for a quarter of the total U.S. reductions, with a cut of 39 percent over the next 15 years if the EPA's proposed rule is adopted. Kentucky and other coal-dependent states like West Virginia and North Dakota face requirements of less than half that.

Once achieved, the plan would mean the U.S. had cut emissions from power plants by 30 percent from 2005 levels, according to an administration fact sheet released yesterday.

McCarthy today said she regretted that 30 percent was highlighted as a target, saying it's not a goal of the plan but an estimate of what the EPA thinks can be achieved.

"There's been some confusion about 30 percent," she said. It's "really a summary conclusion of what the pollution reduction opportunities are" and is not a goal, she said.

The EPA will measure the progress of the states in meeting their targets starting in 2020, which means states will

have to begin rejiggering their energy mix by then, or face steeper cuts later in the decade, she said.

"It means out of the gate, states will really have to make some changes," she said. "That means they're going to have to look for early reduction opportunities or else in the end they're going to have to get significantly lower than their requirement by the time they start getting towards 2030."

The EPA's analysis found emissions could be cut 26 percent by 2020 as some states embrace the changes and move quickly in response to the EPA plan.

How states reach their targets is up to them. McCarthy noted that nuclear power is a carbon-free fuel that could help achieve the reductions, and said carbon-capture technology for coal plants "is going to be important for us domestically."

Coal will remain a source for generating electricity and she said will account for 30 percent to 31 percent by 2030, down from about 39 percent last year.

"This is not about getting coal out of the system. There's still going to be there in high quantities," McCarthy said. "But they're going to be much more efficient. And they're going to be mixed with a lot more low- and no-carbon" fuel, she said.

McCarthy said she wouldn't be surprised if more states enter cap-and-trade arrangements to meet the reduction targets.

In the interview, she promoted energy efficiency at power stations, saying such steps are "low hanging fruit" that is cost-effective and "just keeps giving and giving."

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New EPA Carbon Rules Pinch States Unevenly Kentucky Appears to Have It Easier Than Washington State, but It Doesn't

By Amy Harder And Alicia Mundy

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

McConnell Plans Senate Effort To Preempt EPA Carbon Crackdown

By Valerie Volcovici

[Reuters](#), June 4, 2014

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

GOP's EPA Attacks Discredited

By Shadee Ashtari

[Huffington Post](#), June 3, 2014

As soon as the Environmental Protection Agency issued a new proposal Monday calling for a 30 percent reduction in power plant carbon emissions by 2030, GOP lawmakers unleashed an arsenal of anti-regulation talking points – most of which turned out to be completely false.

A chorus of claims on potential job losses and skyrocketing electric bills earned Republicans “four Pinocchios” from The Washington Post Fact Checker on Tuesday for citing an outdated May 28 study by the U.S. Chamber of Commerce.

In an Energy and Commerce Committee statement Monday, Rep. Ed Whitfield (R-Ky.) claimed that the new regulation “would cost the economy 224,000 jobs and \$289 billion in higher electricity costs through 2030.”

Sen. David Vitter (R-La.), ranking member on the Environment and Public Works Committee, echoed the sentiment Monday, adding that “a rule such as the one released today would decrease a family’s disposable income by \$3,400 per year and increase their electricity bills by \$200.”

House Speaker John Boehner (R-Ohio) also cited debunked figures from the Chamber report on potential job losses Monday, accusing the president of promoting a plan that “would indeed cause a surge in electricity bills – costs stand to go up \$17 billion every year.”

Based on the same shaky data from the Chamber of Commerce, the National Republican Senatorial Committee also launched a robocall campaign Tuesday that attacked vulnerable Democratic incumbents for their support of the EPA’s proposed carbon limits.

The Washington Post’s Glenn Kessler reports:

Note that the EPA rule said that the agency would seek a reduction of 30 percent. But on page 15 of the Chamber report, the Chamber says it assumed the rule would impose a 42 percent reduction: “The 42% emissions reduction figure was chosen because, to date, it remains the only publicly announced Administration GHG [Greenhouse Gas protocol] reduction goal for 2030. The Administration has not said whether or how this goal might be modified.”

“It’s a big difference,” Matt Letourneau, senior director for communications and media at the U.S. Chamber’s Institute for 21st Century Energy, which produced the study, admitted to the Post on Tuesday. “We are going to have to see where the numbers fall.”

The Chamber report’s use of the 42 percent figure further resulted in “false notes” and unwarranted assumptions on the EPA requiring new natural gas facilities to have carbon capture technology. According to the proposal itself:

The EPA did not identify full or partial CCS as the BSER [best system of emission reduction] for new natural gas-fired stationary combustion turbines, noting technical challenges to implementation of CCS at NGCC [natural gas combined cycle] units as compared to implementation at new

solid fossil fuel-fired sources. The EPA also noted that, because virtually all new fossil fuel-fired power projects are projected to use NGCC technology, requiring full or partial CCS would have a greater impact on the price of electricity than requiring CCS at the few projected coal plants, and the larger number of NGCC projects would make a CCS requirement difficult to implement in the short term.

Consequently, based on the unsubstantiated assumption that there would be a need for more expensive carbon capture plants, the Chamber further presumed that \$339 billion of the \$478 billion in estimated compliance costs would stem from building new power plants.

“Given the significant difference between the emission targets in the proposed rule and the assumptions in the Chamber report, Republicans should have avoided using the Chamber’s numbers in the first place,” the Post concluded, criticizing GOP lawmakers for ignoring more updated reports on the issue. “We understand that they believe the negative impact will outweigh any positive impact but even by the Chamber’s admission, these numbers do not apply at all to the EPA rule as written.”

How Obama’s Team Sold The EPA Rule

By Edward-isaac Dove

[Politico](#), June 3, 2014

Once again facing a big decision, President Barack Obama chose a familiar path: a walk around the South Lawn of the White House with chief of staff Denis McDonough.

This time they brought along John Podesta.

Podesta’s a runner, and he couldn’t look more like one. But he’s not used to meetings on the move—even if this one was to discuss the progress on climate change, the issue he’s been trying to get more attention to for years and came back to the White House in January to lead.

The EPA’s proposed carbon emissions standards rule released Monday is one of the most significant actions the federal government’s ever taken on climate change. If finalized next year and put in place, it would be one of Obama’s largest legacy achievements.

Making sure that it didn’t seem like a big deal or all about Obama was all part of Podesta’s plan.

Interviews with Podesta and other senior White House aides on Monday portrayed a White House that had been closely involved along every step of the way, from drafting the rule to the roll-out and messaging effort surrounding it.

Lap after lap that evening in mid-May, Podesta and McDonough talked the president through the proposed rule. He wanted to know how it squared with promises he had made in Copenhagen in 2009, would hold up against the inevitable court challenges and how they’d attempted to balance the concerns of business, labor, Democrats and green groups so that everyone walked away not too disappointed and excited enough.

Last week in the Oval Office, Obama signed off on the outreach and messaging strategy Podesta and climate adviser Dan Utech briefed him on. The president wanted all the groups they needed bought in. He wanted the White House to be ready with whatever rebuttals they'd need. And most of all, he wanted to minimize the prospects of this becoming yet another flashpoint.

"He wanted to know," Podesta said Monday evening, relaxed after a successfully calm roll-out day, "Okay, how are we prepared for battle here?"

Obama had all day Monday for an event at the White House, or maybe in front of a power plant, running footage for the evening news of him announcing his plan to save the planet. Just last week, he'd talked to the graduating cadets at West Point about the likelihood that they'd have food riot duty in their futures. Instead, they had EPA Administrator Gina McCarthy make the announcement, keeping Obama to a conference call run by the American Lung Association.

"The idea was to modulate his involvement," said an administration official.

For seven minutes, Obama held forth on children's asthma, which White House data showed was the most compelling angle they had — pointing out the disparate rates in the African-American and Latino community — with only a passing reference to taking care of "this beautiful blue ball in the middle of space," just before he put down the phone.

For months, Podesta ran a strategy to seed support for the rule, planning a sequence of events to get people thinking about the administration's efforts on climate change — a visit to the California wildfire damage in February, a solar summit at the White House in April, the National Climate Assessment in May (complete with an afternoon of interviews by weathermen in the Rose Garden).

The effort, Podesta said, was "try to tell a story to the American people so these individual actions didn't come in a way that they didn't understand what the overall strategy was."

By the time Hurricane Sandy hit in October 2012, the Obama campaign was certain he was going to win. But looking out at the damage to the Jersey Shore from his helicopter, he talked, aides said, about how the area would need to rebuild in a totally different way — with climate change in mind.

The change that really mattered, though, was the amount of coverage the storm was getting — hitting the media capital helped — and the way the White House felt it resonating with people around the country. They don't like to use the word opportunity to describe where they found themselves after Sandy, but that's what this was.

"It was something he always knew he was going to come back to," said White House communications director Jennifer Palmieri. "But Sandy also put the connection between climate and weather and the impact it could have on

the radar for Americans in a level to which prior to that it had not broken."

Climate change hadn't gone well for the White House in the first term — the House barely passed a cap-and-trade bill in 2009 that died in the Senate — but became yet another campaign issue that helped Republicans take the House and pick up Senate seats in the 2010 midterms.

Aides reasoned that the people who were going to oppose a carbon emissions rule were going to oppose even the most watered-down version. Obama's greater concern was the environmentalists in his base who count his failure to get cap-and-trade, which would have had a much greater impact than this new rule, as an unforgivable failure. They're already raring to revolt if he approves the Keystone XL pipeline as many suspect he will after the midterms.

Meeting with his climate advisers in the Oval Office in the days after the election, Obama asked for options — realistically, no-Congress options. Already, Section 111-D of the Clean Air Act was a big topic of conversation, as were a few others, said Heather Zichal, then his energy and climate adviser.

They were as surprised as nearly everyone else by how much he said in the second inaugural address about the need "to preserve our planet, commanded to our care by God." He'd written that section with his speechwriters, not his advisers.

"We knew we'd been talking about this," Zichal said, "but now it's real."

When Zichal, frustrated that the administration wasn't getting credit for the things it hadn't gotten done to help the environment, pushed to wrap all the pieces together with the President's Climate Action Plan released last June, Podesta was helping guide the process from from the outside. When the discussions about the rule were beginning ramp up at the end of last year, Podesta was sitting with Obama in the Oval Office just before Thanksgiving, giving his advice.

In January, when Podesta arrived as senior counselor, he integrated all the different White House offices working on parts of climate change policy, running them all through his nook office in the West Wing, just off McDonough's (and formerly his, when he was Bill Clinton's chief of staff).

Technically, the EPA was in charge of developing the carbon emissions rule. But Podesta and Utech were on the phone with McCarthy at least every other day, checking in, making suggestions, long before the draft rule arrived to the Office of Information and Regulatory Affairs for review on March 31. Thursday, Podesta led a Cabinet meeting on the rule. Through the week, he was talking with labor and faith groups. Utech spent all day Friday on the phone with a dozen utility companies, but Podesta had been speaking to many of them too. Saturday, when the last piece of the rule needed to be finalized, he was on the phone with McCarthy working it out.

This was on top of McCarthy's own outreach to various stakeholders, including a series of Sunday phone calls to Democratic Govs. Steve Bullock of Montana, John Hickenlooper of Colorado, Mike Beebe of Arkansas and Steve Beshear of Kentucky.

Monday, she spoke with West Virginia Gov. Earl Ray Tomblin, who held a press conference declaring that the attack on coal meant his state's "worst fears were realized." Podesta had his own conversation with Sen. Joe Manchin (D-W.Va.) to talk through the rule with him on Monday.

Katie Beirne Fallon, Obama's legislative affairs director, had been running a contact group on the Hill over the last month to get leaders' input long before the call Obama held with the Sunday morning.

White House aides, say they didn't spend a lot of time worrying about the Senate races where Democrats were going to come out bashing them. What they're looking at in the White House is the Washington Post/ABC poll out Monday which showed wide support for the president's climate efforts — a measure to Podesta that they've succeeded in seizing on the chance to change minds and bring in most of the people who could whip up opposition.

That, Podesta said, was what Obama had been looking for in that walk around the South Lawn.

"What the president wanted to know was, 'Can we get this done?'" Podesta said. "Not so much, what's the effect state-by-state or race-by-race, but how do we position this so the people who want to embrace it can embrace it."

Former Clinton Aide Podesta Played Key Role In Developing Carbon Emissions Rule

By Colleen McCain Nelson And Carol E. Lee
[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

The Potential Downside Of Natural Gas

By Matthew L. Wald
[New York Times](#), June 4, 2014

Conventional wisdom, pushed hard by the natural gas industry, is that natural gas drives down American emissions of carbon dioxide, by substituting for carbon-rich coal. The climate stabilization plan announced by the Obama administration on Monday relies on that. But in other ways, cheap natural gas drives emissions up.

"It's a seesaw," said Michael W. Yackira, chairman of the Edison Electric Institute, the trade association of the investor-owned electric companies. Some of the factors are hard to quantify, making it uncertain whether, in the long term, natural gas's net effect is positive for climate control.

The reduction is simple. When burned in a power plant, natural gas has a smaller carbon footprint than coal, and when it displaces coal, emissions decline.

That part is easy to quantify. Coal generation peaked in 2007 at a little over two billion megawatt hours while in 2013 it dropped to 1.58 billion, according to the Energy Information Administration. (A megawatt-hour, or 1,000 kilowatt-hours, is the amount of electricity a typical suburban house uses in a month.) Over the same time, gas generation started at 857 billion megawatt-hours and ended at 1.2 billion.

If all the increase in gas-fired generation replaced coal, then the switch produced savings of 113.1 million tons of carbon a year.

But natural gas is starting to replace nuclear power, which can be seen as wiping out about 10 percent of the savings, because a reactor has a carbon footprint of nearly zero. Last year the owners of five reactors announced they would retire them. Some had mechanical problems or political opposition; some did not. But all were challenged by the drop in prices on the wholesale market, driven down by natural gas. And several other reactors are losing money and could close this year.

There are two other easy-to-see effects. The fracking for oil that has opened vast new supplies of gas is producing much of it in places where there is no pipeline. In those cases, the natural gas is burned off, or flared, because there is no way to ship it economically.

According to the Energy Information Administration, last year the producers flared enough gas to have produced 27 million megawatt-hours. That pushed emissions up by 16.5 million tons, about 15 percent as much as the reduction in coal burning saved.

And some of the natural gas escapes unburned. Its main component, methane, is a global warming gas and is far more powerful than carbon dioxide, although it does not persist quite as long in the atmosphere. Even before fracking became widespread, when natural gas was expensive to extract, there were emissions of methane. But from 2007 to 2013, the increase in gas consumption added methane with a carbon dioxide equivalent of about 19 million tons. That would wipe out another 17 percent of the savings from displacing coal. The number could be higher; some experts use a different formula to translate methane into a carbon dioxide equivalent.

There are other less apparent effects, including stunting the development of zero-carbon generating stations.

"Natural gas has also displaced some investment in renewables and nuclear," according to a paper published in May in *Environmental Science & Technology*, a journal published by the American Chemical Society. The paper, written by researchers at Duke University, said that weighing all the factors, "whether the net effect is a slight decrease or increase depends on modeling assumptions."

Natural gas is suppressing the development of new nuclear plants, experts say, leaving the country with an aging fleet of reactors. James L. Connaughton, an adviser to

Constellation Energy when it was trying to build a third reactor at the Calvert Cliffs plant south of the District of Columbia, cites the collapse of natural gas prices in 2008 as part of the reason that the company abandoned that project and four more that were to follow.

"Natural gas has made nuclear more challenging," said Mr. Connaughton, who was also an environmental adviser to President George W. Bush.

It is probably also reducing the growth of wind energy, many analysts said. Wind contributes only slightly to generation capacity needs, but whenever it runs, it saves fuel, mostly natural gas, and that gas is now worth about half of what it was a decade ago.

"There is no question that depressed natural gas prices have had an adverse effect on the wind and solar industries," said Kenneth Kimmell, the president of the Union of Concerned Scientists and the former commissioner of environmental protection in Massachusetts. "It's stunting zero-carbon alternatives."

He added, "Low natural gas prices decrease the benefit of energy-efficiency investments as well," since the kilowatt-hours saved by installing a better air-conditioner or light bulb are worth less than they would have cost in a world with higher gas prices.

The problem, said Michael Greenstone, a professor of environmental economics at M.I.T., is that while zero-carbon technologies have advanced significantly in the last 10 years, "over the same period, there have been practically unimaginable advances in fossil fuels."

Limiting carbon emissions will most likely mean resolving to leave cheap fossil fuels in the ground, he said. Almost nothing valuable is left undrilled or unmined, he said. "The history of leaving \$100 bills buried in the ground is really a short one," he said.

And while cheap natural gas helps spur economic development, it has some collateral benefits that are harder to measure, energy experts said. Paul Bledsoe, a White House aide who specialized in climate during the Clinton administration and now is a senior fellow at the German Marshall Fund, said that low natural gas prices enabled the "the suite of emissions reductions across the board" at old coal plants, including mercury, fine particles and sulfur dioxide.

Mr. Bledsoe said the low price was allowing the E.P.A. to push forward with rules limiting emissions of those conventional pollutants. Those rules have forced the retirement of many old coal plants, a step whose cost to the public is minimized by the availability of cheap natural gas as a substitute, he said; if natural gas cost today what it did in 2007, costs would be much higher and the E.P.A.'s ability to act would be much more limited.

Noting that natural gas was squeezing out some zero-carbon energy sources, Mr. Kimmell of the Union of

Concerned Scientists said, "It would be a tremendous mistake to rely upon natural gas" to solve the climate problem.

"It's not only just putting all your eggs in one basket, it's potentially taking eggs already in the basket and allowing them to break."

EPA Plan To Cut Carbon Emissions Could Shift Energy Mix

By Wendy Koch

[USA Today](#), June 4, 2014

The Obama administration's historic plan to reduce carbon emissions from existing power plants, unveiled Monday, could hasten the nation's shift from coal toward natural gas, energy efficiency and renewable sources such as wind and solar.

The controversial proposal by the Environmental Protection Agency calls for a 30% national cut in power-plant emissions of heat-trapping carbon dioxide — below 2005 levels — by 2030, but it gives states varying reduction goals, depending on their power mix.

The 645-page plan, a key pillar of President Obama's climate initiative, requires states to develop and implement plans for meeting their targets. Recognizing that coal-fired facilities emit more carbon than other power plants, the administration plan sets lower 2030 targets for some states that rely heavily on coal, such as West Virginia, than those such as New York, with a more diversified energy mix.

"The U.S. energy sector is in transition, anyway," and the plan's rollout over the next 15 years will help to "shape" that shift in a low-carbon direction that addresses climate concerns, says Tim Profeta, director of Duke University's Nicholas Institute for Environment Policy Solutions.

The nation's energy industry has dramatically shifted toward natural gas in recent years as new drilling techniques have lowered its production costs. Power plants fueled by natural gas produced 30% of U.S. electricity in 2012 — up from 16% in 2000. Plunging prices for solar panels and wind turbines have also prompted a surge in renewable energy.

In contrast, the coal industry has hit hard times. Its power plants still provide the nation's largest share of electricity, 37%, but that's down from 52% in 2000 and is expected — even without the latest EPA proposal — to hit 32% by 2040, according to the Energy Information Administration.

The EIA, which says the number of U.S. coal power plants has fallen from 633 in 2002 to 557 in 2012, expects 60 gigawatts of coal-fired power — one-fifth of total U.S. coal capacity in 2012 — will retire by 2020, and that's excluding the impact of the new EPA rule. The EPA says the average age of U.S. coal plants is now 42 years.

Critics say the EPA plan, expected to trigger legal challenges, amounts to a “war on coal.” Rep. Nick J. Rahall, D- W.V., said Monday that he and his state’s GOP colleague, Rep. David McKinley, will introduce legislation to stop the new proposal, along with another one last year aimed at future power plants.

“This new regulation threatens our economy and does so with an apparent disregard for the livelihoods of our coal miners and thousands of families throughout West Virginia,” Rahall said.

The new EPA rule, along with federal limits on mercury emissions taking effect next year, could force the retirement of at least one-third of the nation’s coal-fired power plants by 2030, says Mike Duncan, president and CEO of the American Coalition for Clean Coal Electricity, an industry group. “It creates a reliability and affordability problem,” he says, adding it will raise electricity prices for U.S. consumers and manufacturers that will push jobs overseas.

Advocates say the plan has health, climate and economic benefits. “This is not just about disappearing polar bears or melting ice caps. ... This is about protecting local economies and jobs,” said EPA Administrator Gina McCarthy, adding it will spur innovation and create jobs.

The EPA projects annual compliance costs of \$7.3 billion to \$8.8 billion by 2030, but since the proposal is expected to reduce air pollution, it says annual public health benefits will total \$55 billion to \$93 billion by avoiding up to 100,000 asthma attacks and 2,100 heart attacks each year.

The proposal, which won’t take effect for at least two more years, allows states to meet their targets in a variety of ways that include greater use of pollution-control technology, energy efficiency, natural gas or renewable energy. States could also follow California and nine northeastern states, which have created cap-and-trade programs that cap overall emissions but allow polluters to buy government-issued credits from clean-energy producers.

The ultimate impact will “come down to costs,” says Richard J. Campbell, a specialist in energy policy at the non-partisan Congressional Research Service. He says states will look for the most cost-effective ways to comply, including the potential retirement of more coal-fired power plants.

The EPA rule could accelerate the U.S. shift away from coal, but it gives states plenty of options, says Kyle Aarons, a senior fellow at the Center for Climate and Energy Solutions, a non-profit group.

Even coal-reliant states should be able to meet the goals, says Dan Bakal, director of electric power for Ceres, a non-profit group that promotes corporate sustainability. He says they’ve yet to take steps, including the trading of pollution credits, that states with low carbon-emission rates have already deployed.

Duke University’s Profeta agrees, saying the proposal is “not unsympathetic to coal-heavy states.” The EPA, for

example, sets a 20% emission-reduction target for West Virginia and 19% for Wyoming by 2030, and an 18% cut for Kentucky. It sets a 44% goal for New York, although the state can get credit for prior emission-cutting efforts.

Obama’s Emissions Plan Could Boost Climate Talks

By Juergen Baetz And Joe Mcdonald

[Associated Press](#), June 4, 2014

BRUSSELS (AP) – President Barack Obama’s move to limit U.S. carbon emissions may prompt an important shift by China in its climate policies, where officials are increasingly worried about the costs of pollution anyway, according to a Chinese expert and activists closely following the international negotiations.

The initiative may be a crucial move in pressuring Beijing to accept binding goals to cut greenhouse gases, while also allowing the U.S. to start catching up with the European Union in the fight against climate change.

“This is the kind of leadership that’s highly needed,” said Martin Kaiser, head of international climate politics at Greenpeace. The proposal should have been twice as ambitious, he added, but “it demonstrates that the Obama administration wants to seriously tackle climate change.”

The plan, unveiled Monday, would reduce carbon dioxide emissions from U.S. power plants, many of which are coal-fired, by 30 percent from 2005 levels by 2030.

Governments want an agreement by late next year in Paris to curb emissions of greenhouse gasses blamed for global warming. Unlike the 1997 Kyoto Protocol, which exempted developing nations from emissions limits, this deal is supposed to cover every country.

The U.S. never ratified the Kyoto protocol, handing China and others an easy excuse to dodge tougher action as well.

“The new initiative is a first firm commitment that puts the U.S. in a serious negotiating position for the upcoming climate talks in Paris,” said Georg Zachmann, an expert with the Brussels-based think tank Bruegel.

“It gives hope that further steps in that direction will be forthcoming,” he added.

The U.S. announcement came just ahead of international climate talks starting Wednesday in Bonn, Germany, where governments will discuss how ambitious to be in tackling global warming over the coming decades. Climate change is also on the agenda at a meeting of the G-7 leaders in Brussels Thursday, bringing together Obama and his counterparts from the other leading Western economies.

China, the world’s biggest polluter ahead of the U.S., has promised to curb its output but has so far resisted binding limits. The U.S. move will give incentive to the Chinese to do more, many experts believe.

"Obama's plan to cut greenhouse gas may have some impact on China's decision-making," said Wang Ke, a professor at the School of Environment and Natural Resources at People's University in Beijing. "But China's goal will be based on its domestic needs in the transformation of its economy and handling smog."

United Nations climate chief Christiana Figueres on Saturday insisted she fully expected "action by the United States to spur others in taking concrete action."

Greenpeace's Kaiser sounded an optimistic note on China, saying that witnessing high pollution in their own cities had convinced leaders in Beijing that only joint action could tackle the problem. "Both countries, the U.S. and China, have seen the consequences of climate change at home and realize now that only joint international action with binding targets can be a solution," he added.

Like many developing countries, China's status has changed drastically since the 1997 agreement. It has grown into an export powerhouse and the world's second-largest economy, prompting American lawmakers to say any new treaty must cover China. Beijing says it is still too poor to take on the limits imposed on rich countries.

Clare Perry, a campaigner for the London-based Environmental Investigation Agency, said Obama's plan falls way short of what is needed to stop global warming, but it "should help bring China to the table."

China accounted for 29 percent of global carbon emissions in 2012, more than the United States and the 28-nation European Union combined, according to the Netherlands Environmental Assessment Agency.

Europe welcomed Obama's plan, if more for the political dynamic than for its ambition.

Obama has pledged a reduction of 17 percent of the entire economy's emissions by 2020 compared with the level in 2005, even though that isn't an internationally binding target. It compares to a reduction of about 4 percent in relation to 1990 levels.

EU officials in Brussels estimate Obama's new plan will only reduce U.S. emissions sufficiently to meet the overall target of a 17 percent reduction by 2020. Without the new plan, the reduction would come in at only about 12 percent.

The EU, in turn, has already reduced its emissions by 19 percent compared with 1990 and aims to achieve a reduction of about 25 percent by 2020, and 40 percent by 2030.

Its successful emissions reduction, however, got a boost from the collapse of Communism in Eastern Europe in 1990, which led to the closure of many polluting plants. Activists complain the EU has lost steam in its fight against climate change in the past years since the global financial crisis hit the continent 2008.

Still, one of the EU's most prominent tools in the fight against climate change is a comprehensive emissions trading

system, under which companies pay per ton of carbon dioxide they release into the atmosphere, with the pollution certificates traded on the market.

In the U.S., Obama's efforts to pass a cap-and-trade bill failed on Capitol Hill due to bipartisan opposition.

Bruegel's Zachmann also warned that Obama's new initiative relies on executive action and bypasses Congress, which could make it far easier for his successor to change the rules again.

"If everything can be reversed following a change of leadership, that's bad because it might not create the necessary legal certainty for businesses to invest in low-carbon technology," he said.

Scientists, however, maintain that far larger cuts will be required to avoid drastic environmental change.

Emissions must drop by 40-70 percent by 2050 to keep the global temperature rise below the 2-degree C (3.6-degree F) cap set in U.N. climate talks, according to a report in April by the Intergovernmental Panel on Climate Change. Scientists consider it a key threshold above which the impact of global warming on humans would increase significantly, for example through extreme weather conditions.

Instead, emissions are rising. The IPCC said that global emissions increased by 2.2 percent a year between 2000 and 2010, outpacing growth in previous decades to reach "unprecedented levels," underlining the urgency to reach a global climate deal next year in Paris.

McDonald reported from Beijing. AP researcher Yu Bing in Beijing, AP Writer Katy Daigle in New Delhi, Karl A. Ritter in Stockholm and Frank Jordans in Berlin contributed.

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US Is Setting An Example To The World On Climate Change

By John Kerry

[Financial Times](#), June 4, 2014

Full-text stories from the Financial Times are available to FT subscribers by clicking the link.

China Follows U.S. On Emissions

By Kim Hjelmgaard

[USA Today](#), June 4, 2014

One day after the United States said it would slash carbon emissions from existing power plants by 30% below 2005 levels, China, the world's largest emitter of greenhouse

gases, said Tuesday that it would set an absolute cap on its emissions by 2016.

The announcement comes ahead of today's start of U.N.-sponsored climate talks in Bonn, Germany. The steps being taken by the world's top two polluters are important announcements that signal positive steps in addressing the planet's changing climate, Christiana Figueres, the U.N.'s top climate official, told USA TODAY on Tuesday.

"We need ever higher ambition by all nations in the run-up to the U.N. climate convention meeting in Paris in 2015 – ambition that can match emission reductions and support for adaptation in vulnerable countries and communities with the sobering scientific reality," she said.

In Paris, the United Nations is seeking to adopt a legally binding agreement on emissions that will cover all nations.

China's pledge was made at a climate conference in Beijing by He Jiankun, chairman of China's Advisory Committee, according to Reuters, although no specific figure was given yet for the cap. On Monday, the Obama administration unveiled aggressive plans to target a low-carbon future.

Figueres praised the proposal by the Environmental Protection Agency that ultimately works to address climate change by pushing for a more diversified energy mix.

"I fully expect action by the United States to spur others in taking concrete action – action that can set the stage and put in place the pathways that can bend the global emissions curve down," she said in a statement Sunday.

Connie Hedegaard, the European Union's climate commissioner, speaking of the EPA draft rule, which won't come into effect for at least two years, said: "This proposed rule is the strongest action ever taken by the U.S. government to fight climate change."

China and the USA are the world's top carbon dioxide emitters followed by the 28-country bloc that forms the European Union. On Tuesday, the EU confirmed its carbon emissions have fallen to 19.2% below 1990 levels.

U.S. Factory Orders, Auto Sales Buoy Growth Outlook

By Lucia Mutikani

[Reuters](#), June 4, 2014

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Auto Sales: Chrysler, GM, And Ford Bounce Back In May (+video)

Auto sales soared in May thanks to a strong Memorial Day weekend sales. GM reported its best monthly sales since 2008 despite an ongoing recall crisis, while auto sales for Chrysler shot up 17 percent.

By Ellen Meyers

[Christian Science Monitor](#), June 4, 2014

Automakers reported new post-recession records and overall gains in May US auto sales after a strong Memorial Day weekend, showing a comeback in the auto industry since the winter slowdown.

General Motors had its best monthly sales since August 2008, despite having recalled almost 13.8 million vehicles in the US this year. GM reported its best May in nearly six years and saw 13 percent increase in May compared to last year.

"The momentum we generated in April carried into May, with all four brands performing well in a growing economy and 17 vehicle lines posting double-digit retail sales increases or better," Kurt McNeil, GM's US vice president of sales operations, says in the company's report.

Chrysler Group LLC reported its US auto sales increased by 17 percent last month in its best May since 2007. Chrysler's Jeep, RAM Truck, and FIAT brands all reported gains.

Ford Motor Company' US sales were up three percent from a year ago. Ford Fusion and Escape reached their best monthly sales records ever, helping the company's overall sales, vice president John Felice says in Ford's report. However, Ford truck sales slightly dipped from 88,450 in May 2013 to 87,749.

Nissan Group also saw a jump in US sales. The automaker reported a 17.8 increase in May, setting a record for the month.

Toyota also had its best month in six years. Toyota sold 243,236 vehicles last month, a 12.6 percent increase from May 2013, according to a preview of its report.

Automakers across the board also saw gains in electric car sales, though the number of vehicles sold is still small. Nissan sold 3,117 Leaf vehicles, an increase of 45.8 percent over the last year. GM's Chevrolet Spark sales doubled since last May. Ford didn't disclose sales for its Focus Electric model, though US sales for the Focus were down by 23.7 percent over the prior year.

To pay for these vehicles, buyers are borrowing more than ever. The average amount financed for a new vehicle loan grew to \$27,612 and the average monthly payment is \$474, according to a Experian Automotive report. The average length of an automotive loan grew to 66 months, while the number of loans with terms of six to seven years grew by 27.6 percent.

U.S. Stocks Edge Lower

By Tomi Kilgore

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

Fed Officials Growing Wary Of Market Complacency

By Jon Hilsenrath

[Wall Street Journal](#), June 4, 2014

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

The Weird Google Searches Of The Unemployed And What They Say About The Economy

By Ylan Q. Mui

[Washington Post](#), June 4, 2014

If you really want to know how the economy is doing now, just Google it.

At least that's the goal of a growing number of researchers who are turning to big data in hopes of unlocking the secrets of the economy at the speed of the Internet. The movement — dubbed “nowcasting” — is piquing the interest of policymakers in Washington and around the world frustrated by the long lag in official government statistics as they make decisions where timing is everything.

Want to figure out where prices are headed in 86 countries on a given day? A project at the Massachusetts Institute of Technology tracks them at thousands of retailers. How many people will file for unemployment benefits in one week? Economists at the University of Michigan are tapping Twitter to estimate the number of new applicants. Are more young men finding jobs? Google suggests the incidence of searches for adult entertainment can provide a clue.

“Statistics serve us really well and are completely essential as benchmarks for where the economy is — or more precisely, has been,” said Matthew Shapiro, an economist at the U-Mich. working on the Twitter project. “But we don't have a lot of indicators that tell us what's happening right now, particularly when the economy is changing direction.”

In fact, there's a running joke that economics is like driving a car by looking through the rear-view mirror. Case in point: The government announced Thursday that the economy shrank — two months ago. The first official reading of where things stand now won't be ready until July.

The delay is a natural consequence of the government's meticulous method of collecting data, which still relies heavily on phone conversations with families and businesses. Though its numbers are considered the gold standard, the aftermath of the Great Recession has shown the data can come too late for policymakers at crucial moments in the recovery.

The contraction at the start of the year, for example, came as lawmakers in Washington debated whether to extend benefits for the long-term unemployed. That measure

languished, in part because officials believed the recovery was strengthening.

The slowdown also coincided with the phase-out of the Federal Reserve's trillion-dollar stimulus program — a move that was supposed to signal the central bank's confidence in the economy. Fed Chair Janet Yellen acknowledged in a recent speech that it likely “overdid the optimism” early in the year.

“You're not just missing accuracy, but you're missing a turning point,” said Keith Hall, a senior research fellow at the Mercatus Center at George Mason University and former head of the Bureau of Labor Statistics.

In the midst of the recession, Google's chief economist Hal Varian released a paper showing how to use the company's search data to measure auto sales and consumer spending, among other things. Now, researchers both inside and outside of government are using it to estimate everything from unemployment to mortgage delinquencies.

The Bank of Israel and the Bank of England incorporate Google analytics into some of their forecasts. Last month, Varian gave the keynote address at a workshop on big data convened by the European Central Bank. He also recently briefed top White House officials on how to use its data and will visit the Federal Reserve Bank of San Francisco in June for an event organized by an industry group.

“We don't have any better ways to predict the future,” Google's chief economist Hal Varian said. “What we're working on is predicting the present.”

The models are based on connections between key search terms and related economic indicators. A spike in searches for Kelley Blue Book typically accompanies a jump in car sales, for example. But the connections aren't always so obvious.

Google found that rising unemployment was not only linked to phrases such as “companies that are hiring.” It was also closely correlated to searches for new technology (“free apps”), entertainment (“guitar scales beginner”) and adult content (“jailbait teen”). The company said its data can improve the accuracy of standard estimates of economic data in a current month as much as 10 percent.

At the University of Michigan, Shapiro and his colleagues scoured more than 19 billion tweets over two years for references to unemployment, hunting for phrases such as “axed,” “pink slip” and “downsized.” They indexed the findings and compared them to the government's weekly tally of people applying for unemployment benefits for the first time.

Their results are remarkably similar — and where they do diverge, the Twitter index may be more reliable. Computer malfunctions and the government shutdown last year distorted the official numbers, while the trends in Shapiro's index held firm.

"If this is how people are going to communicate, it behooves us to try to figure out how to do the measurement that way," he said.

There is also another, more mundane, reason economists are experimenting with new types of data: Federal budget cuts mean the government is producing fewer statistics.

The Bureau of Labor Statistics slashed its budget by \$30 million, or 5 percent, last year in response to the across-the-board federal spending cuts known as sequestration. It no longer produces its survey of mass layoffs and may trim its quarterly census of employment and wages, which provides an important benchmark for monthly job estimates.

"The quality and quantity of some BLS data will likely be diminished, as fewer resources are available to collect and review data or to perform data analysis," the agency said on its Web site.

Still, big data remains in its infancy. In fact, one of the main challenges of using the data is its short history: Twitter was created in 2006; the U.S. government began calculating gross domestic product during the Great Depression.

There are also concerns that people who use the Internet or social media sites do not represent the broader public, skewing the results. Though economists who work with big data say they adjust for those factors, those techniques are still a work in progress.

"More data is not always better," said Jasper McMahon, cofounder of Now-Casting Economics, which does not use social media or search trends in its calculations. "You can be blinded by having access to masses and masses of data. But that exposes you to masses and masses of noise."

Others have raised a more fundamental issue: Ultimately, using big data is just a faster way of calculating what the government is already doing. Some argue what's really needed instead is an overhaul of how we measure — and judge — the world around us to include intangibles such as happiness, education and health.

"There's not really a one-size fits all number that's going to describe the experience of everybody or even most people," said Zachary Karabell, an economist and author of *The Leading Indicators*. "I don't think we should create that fiction."

U.S. Attorneys, Take Heed: Don't Make Garden-variety Crimes Into Federal Cases

By Times Editorial Board

[Los Angeles Times](#), June 4, 2014

The Supreme Court unanimously agreed this week that federal prosecutors could not use an international chemical weapons treaty to bring a case against a Philadelphia-area woman who tried to poison a romantic rival. The decision was

a deserved rebuke for U.S. attorneys, who have a penchant for discovering a federal issue in garden-variety crimes.

The ruling set aside the conviction of Carol Anne Bond, an immigrant from Barbados who was convicted of trying to poison her best friend after she learned that the woman had been impregnated by Bond's husband. Bond stole a dangerous chemical from the laboratory where she worked and smeared it on the other woman's doorknobs, car door and mailbox. Bond could have been prosecuted in Pennsylvania state court, but the federal government took the lead after postal inspectors caught her opening the other woman's mailbox. She was charged with violating a law that had been passed by Congress to implement the Chemical Weapons Convention, which was ratified by the U.S. Senate in 1997.

In his pithy majority opinion, Chief Justice John G. Roberts Jr. wrote: "We are reluctant to ignore the ordinary meaning of 'chemical weapon,' when doing so would transform a statute passed to implement the international Convention on Chemical Weapons into one that also makes it a federal offense to poison goldfish." Granted, Bond's victim was a human being, not a fish, but the poisoning — which caused the victim only a minor burn on her thumb — was a federal case only in the creative imagination of prosecutors.

In one sense, Monday's decision was an anticlimax. When the court accepted the case, some conservatives saw it as a vehicle for overruling a 1920 decision in which the court said: "If the treaty is valid, there can be no dispute about the validity" of a statute passed by Congress to execute the treaty. A reversal of that precedent was attractive to conservatives who are obsessed with the unlikely idea that the president and Congress might use the treaty power as a backdoor way to override the federalism provisions of the Constitution. For example, at oral argument in the case, Justice Antonin Scalia hypothesized that the U.S. might ratify a treaty mandating same-sex marriage, which Congress would implement by passing a federal marriage statute — despite the fact that defining marriage is traditionally a state prerogative.

But in his majority opinion, Roberts found no reason to reconsider the 1920 decision, because he concluded that the prosecution was based on a clear misreading of the chemical weapons statute. There's nothing wrong with the court deciding this or any case on the narrowest grounds possible. But if a future case poses the question directly, the court should rule that laws passed to implement treaties — like other laws — must accord with the Constitution.

Maurice Obstfeld Named To Council Of Economic Advisers

By Neil Irwin

[New York Times](#), June 4, 2014

One of the world's top scholars of international economics is set to be the newest addition to the Obama administration economic team.

Maurice Obstfeld, an economist at the University of California, Berkeley, will become a member of the White House Council of Economic Advisers this summer, officials said. He is to replace James Stock, a leading macroeconomist who is returning to Harvard, on the three-person panel that is meant to provide the president and his staff with policy insights from the world of economics.

Mr. Obstfeld is the co-author of two leading textbooks on international economics, and was the 40th-most widely cited academic economist in the world in a database maintained by Research Papers in Economics. His specialty is in the workings of the international financial system, with recent papers along the lines of "Does the Current Account Still Matter?" and "Gross Financial Flows, Global Imbalances, and Crises."

He thus may have particular insights to offer the Obama administration as it seeks further reforms of the global financial system. He could also have ideas from his academic work to bring to bear on two major trade deals the administration seeks to advance, the Trans Pacific Partnership and Transatlantic Trade and Investment Partnership.

"We are thrilled and honored that Maury will be coming to C.E.A. as its newest member," said Jason Furman, the C.E.A. chair, in an email. "Maury joins a long and distinguished group of economists who have chosen to serve their country as Members of the Council of Economic Advisers, helping to fill the large hole that will be left by Jim Stock's departure. As one of the country's leading international macroeconomists and an all-around versatile economic thinker, Maury will make a critical contribution to the president's continued efforts to increase growth and expand opportunity."

Mr. Stock's academic specialty has been in assessing the health of the overall economy, though at the White House for the past two years he has taken on a broader range of economic topics, including analyzing the economic impact of rules to fight climate change and proposals for reforming the housing finance system.

The White House counselor John Podesta said in a statement: "Jim has been an intellectual force in the administration's work on energy and climate policy, and was integral in helping craft the single biggest climate action of the president's second term — the E.P.A.'s proposed rule limiting carbon emissions from power plants, which was released just yesterday. He'll be missed at the C.E.A. and on our climate policy team."

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Obama To Name Berkeley Economist To White House Council

By Mark Felsenthal

[Reuters](#), June 4, 2014

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Native American Lawyer Confirmed To U.N. Human Rights Post

By Al Kamen

[Washington Post](#), June 4, 2014

The Senate confirmed Washington lawyer Keith Harper, a member of the Cherokee Nation, to be the U.S. representative to the U.N. Human Rights Council in Geneva on Tuesday, making him the first member of a federally recognized tribe to be accorded an ambassadorial-rank post.

Harper, confirmed on a 52-42 party-line vote, has been active in human rights and civil rights organizations. He was also a mega-bundler, having raised more than \$500,000 for President Obama's 2012 campaign.

Harper was one of the plaintiffs' lawyers in a long-running class-action lawsuit by Native Americans, who claimed that the federal government had mismanaged Indian trust accounts. The Obama administration settled the suit in 2009 for \$3.4 billion.

U.S. Senate Confirms Three Commissioners To Derivatives Agency

By Silla Brush

[Bloomberg News](#), June 4, 2014

The Senate voted today to confirm a new chairman and two commissioners to serve on the main U.S. derivatives regulator.

In a series of voice votes, the Senate confirmed Treasury Department official Timothy Massad to serve as chairman of the Commodity Futures Trading Commission and J. Christopher Giancarlo, an executive at New York-based inter-dealer broker GFI Group Inc. (GFIG), as a commissioner.

Earlier, the Senate voted 48-46 to confirm Sharon Y. Bowen, a New York-based lawyer at Latham & Watkins LLP, as a commissioner.

Massad, Bowen and Giancarlo would join commissioners Mark P. Wetjen and Scott O'Malia on the five-member panel, whose work has been slowed by the three vacancies.

The 2010 Dodd-Frank Act gave the agency authority for the first time to regulate swaps, complex derivatives that in the 1980s began trading privately on Wall Street between banks, hedge funds and other clients. Swaps, whose face

value can reach trillions of dollars, were blamed for helping destabilize the financial system in 2008.

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